

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 16845 of 2020
Date of decision : July 15, 2020

(Through Video Conferencing)

Amarjit Lal @ Bawa

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG., Punjab.

Manjari Nehru Kaul, J (oral).

This is a petition filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No. 64 dated 27.9.2018 under Sections 20 and 29 of Narcotics Drugs and Psychotropic Substances Act, 1985 registered at Police Station Behram, District Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner contends that the petitioner is a victim of false implication and has been in custody since 27.9.2018. He further submits that no recovery was infact effected from the petitioner who just happened to be sitting besides the driver and co-accused in the Innova Car from which the alleged recovery of 4.250 Kgs Charas was effected.

On the other hand, learned State counsel on instructions from ASI Dhuni Chand, while opposing the grant of regular bail to the petitioner has submitted that the recovery of aforementioned contraband was effected from the vehicle in which the petitioner along with the co-accused was

travelling and the same fell in the category of commercial quantity and hence attracted the rigors of Section 37 of the Narcotics Drugs and Pscyotropic Substances Act, 1985. He has apprised this court that the trial is nearing conclusion as out of the 23 prosecution witnesses cited, as many as 8 witnesses already stand examined and the next date of hearing before the trial court is 24.7.2020 when the remaining witnesses may be examined.

Heard.

In the wake of alleged heavy recovery of contraband from the vehicle in which the petitioner and co-accused were travelling which admittedly falls within the “commercial quantity” no ground for grant of regular bail is made out.

However any observation made hereinabove shall not be construed to be an expression on the merits of the case.

The petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

July 15, 2020
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No