

CRM-M-18795-2020

Date of decision: 04.08.2020

Shyam Kumar

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Inderjit Singh Luthra, Advocate
for the petitioner.Mr. Amit Mehta, Senior DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner-Shyam Kumar has come up in this first regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.99 dated 23.07.2019 under Sections 22 and 61 of the NDPS Act and Section 473 of the Indian Penal Code registered Police Station Sadar, District Ludhiana.

The allegations in brief are that on receipt of secret information by the police that one, Mani Singh and the present

petitioner-Shyam Kumar, who are addicts, are carrying on nefarious activities of selling intoxicants and they were moving about on motorcycle bearing No. PB 10 DV 1633. On the basis of this information, the present case was got registered. Subsequently, the accused were apprehended the conscious possession of 54 grams of intoxicant powder was got recovered.

Learned counsel for the petitioner *inter alia* contends that the co-accused/non-applicant-Mani singh has been allowed regular bail vide order dated 26.08.2019 by the learned Special Judge, Ludhiana and that the petitioner is behind the bars since long time and prayed for bail.

The learned State counsel has opposed the bail vehemently on the grounds that the recovered contraband falls under the head of commercial quantity and that the petitioner, in view of the heinousness of offence, is not entitled to any bail.

Appreciating the arguments, the report of the Chemical Examiner and weight of the contraband, clearly elicits that the powder, so recovered, from the petitioner, falls within the commercial quantity. The petitioner cannot take any advantage out of the bail granted to the co-accused on account of the fact that it was clearly keeping in view that the report of the Chemical Examiner was not received though this Court deprecates such procedure at such short period of time consequent upon arrest and recovery, however, desists from making further comments. In light of recovery being commercial

in nature, no cause for grant of bail is made out.

Dismissed.

04.08.2020

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No