

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-21003-2020

Date of decision:-10.8.2020

Munish Kumar @ Mannu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.G.S. Bawa, Advocate
for the petitioner.

Mr.J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This second petition for regular bail has been filed by petitioner – Munish Kumar @ Mannu, aged about 34 years – an accused in FIR No.68 dated 15.9.2015 for the offence under Section 22 of NDPS Act, registered with Police Station Islamabad, Amritsar, District Amritsar City.

Briefly stated, the facts of the case as per prosecution story are that, on 15.9.2015, a police party from Police Station Islamabad, Amritsar while being on patrol duty and present at Nayian Wala turning, received secret information that Munish Kumar @ Mannu (present petitioner) was a drug addict, consuming heroin, smack etc. and he was in the business of drug peddling also and further that on the said day, he was in possession of intoxicating powder, for sale of which, he was going towards Bhadar Kali Mandir from Dhapai Road, Railway Crossing and he was to pass near Nayian Wala turning. After some time, the petitioner was spotted coming from Bakkar Mandi side. He was apprehended and found in possession of 105 gms. of intoxicating powder, which was taken into possession. Accused was arrested. Ruqa was sent, on the basis of which, formal FIR was registered. After completion of investigation, challan against the accused has been filed and now the case is pending trial in the Court. The petitioner had filed an application before the trial Court for grant of interim bail for the reason that report from Chemical Examiner with regard to the sample of the alleged contraband recovered from him sent there had not been received. Vide order dated 21.10.2015, the petitioner was granted interim bail and he remained on interim bail for a period of almost three years and it was when the FSL report was received then vide order dated 4.10.2018 his interim bail was cancelled and he was taken into custody. As such, he has approached this Court for grant of regular bail.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Admittedly, the contraband said to have been recovered from the possession of petitioner amounts to commercial quantity attracting rigor of Section 37 of the Act. Section 37 of the NDPS Act reads as under:

Offences to be cognizable and non-bailable.—

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 3 [offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.

There is no reason available to this Court to record satisfaction that there are reasonable grounds for believing that the

petitioner is not guilty of such offence and that he is not likely to commit any offence while on bail.

The drug trafficking is rising at an alarming rate in this region, which has ruined the lives of young men and women. Drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increased drug trafficking.

Therefore, finding no merit in the petition, the same stands dismissed.

10.8.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No