

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

105

**CRM-M-21874-2020(O&M)
Date of Order:02.12.2020**

MOHD. ALIM

..Petitione

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

Mr. S.S.Deol, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conference on account of restricted functioning of the Courts.

This is second petition for grant of bail pending trial in a criminal case arising from FIR No.13, dated 03.03.2019, registered under Section 22/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mulepur, District Fatehgarh Sahib.

The first application for grant of bail was dismissed on 11.12.2019 with the following order:-

Petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.13 dated 03.03.2019 registered under Sections 22, 29, of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Mulepur.

As per case of the prosecution, 19500 intoxicant tablets were recovered from the conscious possession of co-accused. On interrogation, they disclosed that they have sourced these tablets from the petitioner.

Learned counsel for the petitioner contends that there is no recovery from the petitioner who has been apprehended only on the disclosure statement of the co-accused, evidentiary value whereof is not significant.

On the other hand, learned counsel for the State, on instructions from ASI Baljinder Singh, has submitted

that the petitioner is a Chemist and he was in constant touch with other accused for the last many days before the date of incident. On the day of occurrence, there are more than 10 calls.

Keeping in view the huge recovery, this Court is not inclined to grant concession of regular bail to the petitioner particularly in view of bar of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Accordingly, the present petition is dismissed.”

As per the custody certificate, the petitioner is also nominated as an accused in FIR No.65 dated 07.05.019, registered under Section 22/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Fatehgarh Sahib.

Learned counsel for the petitioner contends that the petitioner is in custody since 20.06.2019 and the trial of the case has not made any progress.

In the present case, as noticed in the order dated 11.12.2019, the recovery is 19500 intoxicating tablets. The prosecution has collected some evidence prima facie showing some involvement of the petitioner.

Still further, there is another case under the Narcotic Drugs and Psychotropic Substances Act, 1985, pending against the petitioner in which no bail has been granted to the petitioner.

Keeping in view the aforesaid facts, no fresh ground for grant of bail to the petitioner is made out.

Dismissed.

December 02, 2020
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No