

CRM-M-48314-2018
Date of decision: 13.02.2020

MALKIT SINGH @ BITTU AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Chandan Singh Rana, Advocate
for the petitioners.

Mr. Balbir Singh Sewak, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Petitioner is seeking regular bail with regard to the case registered vide FIR bearing No. 23 dated 13.02.2018 at Police Station Ladhuwal, Police Commissionerate Ludhiana under Section 22 of the NDPS Act, 1985 on the allegations that 400 grams and 600 grams of heroine was recovered from the possession of the petitioner Nos.1 and 2 respectively.

Learned counsel for the petitioners has stated that the report of FSL was never presented alongwith the challan. However, this aspect has been disputed by learned State counsel. It has been conceded that at present the report of FSL is on the record of the Trial Court. On the last date of hearing, the learned counsel for the petitioners had sought time to verify if any, such plea with regard to concession of bail under Section 167(2)Cr.P.C was raised in the application for bail submitted before the learned Judge, Special Court or not.

The Copy of the bail application under Section 167(2) Cr.P.C. has been placed on record which indicates that the bail was sought only on the score that the

effect that incomplete challan has been presented as the report of FSL was not attached with it.

The application under Section 167(2) has already been dismissed by the learned Judge, Special Court vide order dated 16.08.2018. Subsequently, the application for regular bail filed on behalf of the petitioners has been dismissed vide order dated 04.10.2018 by the learned Judge, Special Court, Ludhiana.

There is lack of material on record to indicates that incomplete challan was presented. Furthermore, the quantity of contraband recovered from the possession of the petitioners fall in the category of commercial quantity.

As such, the stringent provisions of Section 37 of the NDPS Act come into play. There is nothing to suggest that the petitioners have not committed offence or are not likely to commit offence, if released on bail.

In view of the aforesaid reasons, the present petition stands dismissed.

13.02.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No