

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24104-2020

Date of Decision:-02.09.2020.

Rajvir Singh alias Gori Billa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Jasdeep Singh, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

SANJAY KUMAR, J. (Oral)

The petitioner is one of the accused in FIR No.67 dated 18.06.2020 on the file of Police Station Phool, District Bathinda, registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act of 1985'). By way of this petition, he seeks grant of anticipatory bail under Section 438 Cr.P.C.

It appears that the co-accused of the petitioner was apprehended with 15 kgs of poppy straw in his possession and he implicated the petitioner by stating that he had purchased it from him.

Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab, would state on instructions that FIR No.2 dated 18.08.2019 was also registered against the petitioner under Section 29 of the Act of 1985 on the file of Police Station Dayalpura. He would further state that

two other cases under the provisions of the Indian Penal Code are also pending against him.

Though, the quantity seized in the present case is less than the commercial quantity prescribed under the provisions of the Act of 1985, it may be noted that Section 29 of the Act of 1985 has also been pressed into service against the petitioner. That apart, there is one other case under Section 29 of the Act of 1985 registered against the petitioner on the file of Police Station Dayalpura. He is also facing prosecution in other criminal cases. That being so, the petitioner is, *prima facie*, a habitual offender and he would not be entitled to seek the indulgence of pre-arrest bail on the short ground that he was not caught at the spot and that the case involves less than the commercial quantity.

The petition is accordingly dismissed.

(SANJAY KUMAR)
JUDGE

September 02, 2020.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.