

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 27380 of 2020

Date of Decision: 16.9.2020

Kashmir Singh @ Mehar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Munish Gulati, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 33 dated 15.4.2019 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Mamdot, District Ferozepur.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Ferozepur has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that the petitioner has been implicated in the present case as he was present in the fields from where the alleged recovery had been effected. He further submits that the mandate of Section 50 of the NDPS Act has not been followed while effecting the alleged recovery of the contraband and the said contraband does not belong to the petitioner. Learned counsel also submits that the petitioner has been in custody since 15.4.2019.

On the other hand, learned State counsel submits that heavy recovery of the contraband has been effected from the petitioner and the said recovery falls under the commercial quantity.

I have heard the learned counsel for the petitioner as well as the learned State counsel.

In the present case, the petitioner was found in possession of 01 kg and 690 grams of heroin. As per the report of the Chemical Examiner, the salt/ingredient Diacetylmorphine was found present in the sample. Thus, the recovery effected from the petitioner is heavy and falls under the commercial quantity and the provisions of Section 37 of the Act have been attracted. Moreover, as per the custody certificate, he is also involved in one more case. The allegations against the petitioner are serious in nature.

No ground for grant of regular bail to the petitioner is made out.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

September 16, 2020
Gurpreet

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