

Sr. No. 210

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

**CRM-M-27802 of 2020 (O&M)
DATE OF DECISION : 18.09.2020**

Mohd. Dilshad & Ors.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. M.S. Basra, Advocate,
for the petitioners Mohd. Dilshad and Asgar Ali.

Mr. Mohd. Yousaf, Advocate
For petitioner Mohd. Aasif.

Mr. Luvinder Sofat, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioners seek regular bail in FIR No. 165 dated 18.07.2020, registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, Police Station Bhogpur, District Jalandhar.

2. Per FIR, on 18.07.2020, a police party received secret information that Mohd. Dilshad, Mohd. Aasif, Saminder Singh, Asgar Ali and Mohd. Jamil are indulgent in transporting narcotic substance from Jammu and Kashmir in a truck bearing registration No. PB13AB-4637 and car No. HR26K-5711. Pursuant thereto, barricades were laid. Petitioners and co-accused were apprehended/arrested along with recovery of 30 Kgs of poppy husk from car

and 80 Kgs from the truck. The petitioners are stated to be in custody since 18.07.2020.

3. Learned counsel for petitioners submits that petitioners have been falsely implicated in the present case. According to them, neither the petitioners are owner of the truck nor of the car from which the poppy husk was recovered. They further submit that there has been violation of mandatory provisions of NDPS Act. 30 kgs of poppy husk allegedly recovered from the petitioners falls within non-commercial quantity. According to them, the petitioners are no more required for custodial interrogation and trial of the case will take long time in view of current pandemic.

4. Per contra, learned State counsel opposes the bail plea. He submits that the whole quantity of contraband collective has to be taken into account, which comes to 110 Kgs and falls within commercial quantity. According to him, rigors of Section 37 of NDPS Act attract to the case of petitioners, which prohibits of grant of bail in case of recovery of commercial quantity.

5. The petitioners have been in custody for just two months. The possibility of their fleeing from trial and indulge in similar offence again, cannot be ruled out, at this stage. Taking into account the quantum of recovery allegedly effected from the petitioners, no ground is made out to grant benefit of bail to them. The petition is dismissed.

September 18, 2020
Jiten

(ARUN MONGA)
JUDGE

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