

CRM-M-33510-2020

Date of decision : 06.11.2020

MANPREET SINGH @ MANI

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is the 3rd petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.38 dated 20.04.2019 registered under Sections 21 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Kathgarh, District SBS Nagar.

The allegations in the FIR are that there was a recovery of 260 gms of heroin from the co-accused without the licence or permit. During the investigation, the co-accused Talwinder Singh disclosed the name of the applicant as the person who financed the purchase of 260 gms of heroin by paying him an amount of Rs.2,00,000/-.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case and no recovery has been effected from him.

Learned State counsel, on instructions from SI Balwinder Singh, has stated that the recovery in the present case is of 260gms of

heroin from the co-accused and it has come in the disclosure statement of the co-accused that the petitioner herein had paid an amount of Rs.2,00,000/- for purchasing the heroin out of which Rs.60,000/- had been paid to the co-accused. He further submitted that as per the custody certificate, copy of which is shared with the VC Coordinator via e-mail, a copy whereof is printed and retained on record, another case under NDPS Act is pending against the petitioner and hence it is not a fit case for grant of bail to the petitioner.

In the present case, the recovery of 260 gms of heroin has been effected from the co-accused. The heroin is said to have been purchased by the co-accused and financed by the petitioner herein who is stated to be a drug peddler. It has come in the disclosure statement of the co-accused that the petitioner herein had given an amount of Rs.2,00,000/- to the co-accused for purchasing the said heroin. The recovery of 260 gms of heroin falls within the category of commercial quantity and the rigours of Section 37 of the NDPS Act, 1975 are attracted.

In view of the above, I do not deem this to be a fit case for grant of regular bail.

The petition is accordingly dismissed. It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

November 06, 2020
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No