

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

CRM-M-35829-2020(O&M)

Date of decision: 12.11.2020

Mukesh Kumar @ Mintu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.L.S.Sekhon, Advocate for the petitioner

Ms. Samina Dhir, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

This is second petition for grant of bail pending trial in a criminal case arising from FIR No.79 dated 24.8.2019 registered under Section 21 and 29 of the NDPS Act, 1985, at Police Station, Special Task Force, District STF Wing, (Phase IV), SAS Nagar, Mohali.

The first petition for grant of bail filed by the petitioner was dismissed on 10.8.2019, with the following order:-

“The petitioner prays for bail pending trial in a criminal case arising from FIR No.79 dated 24.08.2019 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to be referred as “ the 1985 Act”), at Police Station Special Task Force District STF Wing (Phase IV), SAS Nagar, Mohali.

As per the case of the prosecution, 418 grams of heroin was recovered from a motorcar occupied by the petitioner alongwith the other co-accused.

Learned counsel for the petitioner contends that the petitioner was a mere passenger and the recovery is from the dashboard of the car and hence, the petitioner can not said to be in conscious possession of the narcotics.

On the other hand, learned counsel for the State has submitted that the petitioner is a habitual offender. He is involved in FIR No.38 dated 14.03.2019 registered at Police Station Shimlapuri under Section 21 of the 1985 Act.

The recovered narcotics fall in the commercial category. In these circumstances, this Court is not inclined to grant bail to the petitioner.

Accordingly, the present petition is dismissed.”

Learned counsel for the petitioner contends that the trial of the case has not made progress and therefore, the petitioner should be granted bail.

No doubt, due to spread of COVID-19 pandemic, normal functioning of the Courts was hampered, however, now the Courts are beginning to function normally. In view thereof, no ground to grant concession of bail to the petitioner is made out.

Hence, dismissed.

12.11.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No