

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36019-2019 (O&M)

Date of Decision: 03.02.2020

Bashir Ahmad Meer

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bikramjit Singh Baath, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.76 dated 19.08.2018, under Sections 21/61 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ghuman, District Batala. He is in custody since his arrest on 19.08.2018.

The case of the prosecution is that on 19.08.2018, when the police party was on patrolling, they received a secret information that two persons were coming to village Ghoman town to sell intoxicant material and upon setting a naka, they would be apprehended. When the police party reached near canal bridge near Gurdwara Tapiana Sahib, two clean shaven persons were seen coming from the side of village Pandori and on seeing the police party, they tried to return back, who were apprehended by the police party. On inquiry, they disclosed their names as Bashir Ahmad Meer and Raviz Ahmad Khoja. On search, 275 grams heroin was recovered from the pocket of pazama of accused Bashir Ahmad Meer and 25 grams of

heroin was recovered from Raviz Ahmed Khoja.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he is not involved in any other case. It is pointed out that 2 witnesses have been examined out of total 9 witnesses, therefore, further custody of the petitioner is not justified. It is prayed that the petitioner be released on regular bail.

On the other hand, learned State counsel on instructions from ASI Balwinder Singh, has opposed the bail application on the ground that quantity recovered from the petitioner falls within the ambit of commercial quantity, therefore, the petitioner does not deserve the concession of regular bail.

Considering the nature and quantity of contraband recovered from the petitioner, no case is made out for grant of regular bail to the petitioner at this stage.

Consequently, the petition is dismissed.

03.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No