

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38261 of 2019

.....

Date of decision:23.01.2020

Gurjot Singh

...Petitioner

v.

Narcotics Control Bureau

...Respondent

....

Coram: Hon'ble Mr. Justice Ashok Kumar Verma

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Present: Mr. Gaurav Deep Goel, Advocate for the petitioner.

Mr. Rajiv Sharma, Advocate for the respondent.

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Ashok Kumar Verma, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in Crime No.29 dated 17.07.2018 registered for the offences under Sections 8, 15, 29, 60 and 61 of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as 'NDPS Act') at Narcotic Control Bureau Zonal Unit, Chandigarh.

Learned counsel for the petitioner argued that the petitioner was merely a 'Khalasi'. He further contends that the petitioner has been nominated as an accused on the statement of co-accused which has also been retracted. He further submitted that the petitioner has been falsely implicated.

On the other hand, reply by Intelligence Officer, Narcotics Control Bureau, Chandigarh has been filed giving details of investigation

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carried out and the effort of the Investigating Agency to reach the origin from where consignment of the narcotics i.e. 299.100 Kg. poppy husk started.

Learned counsel for the respondent submits that prosecution evidence is in progress and, therefore, the Court should not grant the concession of bail to the petitioner.

After hearing learned counsel for the parties and going through the record, I find that the petitioner was a 'Khalasi' and he was present at the time of alleged recovery of contraband. The bail petition of Dharam Pal Singh alias Dharma-Driver co-accused has already been dismissed by this Court vide order dated 30.10.2019 passed in Criminal Misc. No.M-23287 of 2019. The alleged recovery of contraband is a commercial quantity, therefore, bar of Section 37 of the NDPS Act will apply in this case and the petitioner is not entitled for the concession of bail.

Therefore, in view of the above discussion and keeping in view the serious nature and gravity of the allegations and the fact that trial has already started, this Court is not inclined to grant concession of regular bail to the petitioner.

Accordingly, this criminal petition is dismissed.

January 23, 2020.

(Ashok Kumar Verma)
Judge

hsp

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