

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CRM-M-3482-2021

Date of decision: 20.04.2021

Mohammad Yasin

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Nikhil Kumar Vashisht, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant second petition has been filed under Section 439 of the Code of Criminal Procedure Code, 1973 for grant of regular bail in case FIR No.02 dated 02.01.2020, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Shahkot, District Jalandhar.

Counsel for the parties have been heard.

First petition seeking grant of regular bail was withdrawn on 08.10.2020 after arguments. Counsel for the petitioner has not been able to

show any change of circumstances or factual situation, after the dismissal of the first petition. No fresh ground has been urged by the counsel for the petitioner.

In such a scenario, the filing of the second petition would amount to seeking review of the first judgment, which is not permissible in law as well as in the Hon'ble Supreme Court of India in **Hari Singh Mann vs Harbhajan Singh Bajwa, (2001) SCC (Criminal) 169; State of Madhya Pradesh vs Kajad, 2001 SCC (Criminal) 1520** and **State of Maharashtra vs Capt. Buddhikota Subba Rao 1989 Suppl. (2) SCC 605.**

Petitioner has been apprehended with 1500 tablets containing 600 gm of Tramadol Hydrochloride, the weight of which falls within the ambit of commercial quantity under the NDPS Act. Rigour of Section 37 of the Act is attracted and the petitioner is not entitled to the concession of bail, pending trial.

Petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

20.04.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No