

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4037-2020 (O&M)
Decided on: 20.12.2021
(Heard through VC)

GAGAN VIJ ALIAS GAGAN VIJAY

.....Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. R.K. Gupta, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

H.S. MADAAN, J (ORAL)

Learned State counsel on instructions has informed this Court that out of 15 PWs cited by the prosecution, 09 PWs have since been examined and 06 PWs still remain to be examined, and that the next date of hearing in the trial Court is fixed as 04.01.2022.

However, learned counsel for the petitioner states that as per the custody certificate dated 16.08.2021 filed by State counsel, the petitioner has already undergone 02 years 06 month and 25 days till that date and about 02 years and 10 months till now. He has also relied upon two judgments titled as “*Tapan Das Vs. Union of India in SLP-5617 of 2021 decided on 07.10.2021; Amit Singh Moni Vs. State of Himachal Pradesh in SLP 3813 of 2020 decided on 12.10.2021*” in support of his contention

that considering the custody period of the petitioner he deserve to be granted concession of bail.

However, keeping in view the fact that as per the prosecution story the petitioner was confined in possession of 400 grams Heroin, 610 grams cocaine and cash amount of Rs. 30 Lakhs which was stated to be drug money and recovery of contraband effected falls under commercial quantity attracting bar under Section 37 of NDPS Act, more over the trial is likely to be concluded in the near future and further there has not been any change in circumstances since dismissal of the earlier petition for grant of regular bail, I am not inclined to grant regular bail to the petitioner in the present case.

The same stands dismissed.

(H.S. MADAAN)
JUDGE

20.12.2021
tarun

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No