

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 4689 of 2020 (O&M)

Date of decision : 25.2.2021

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Bhupinder Das @ Neeta

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Abhishek Bhateja, Advocate for the petitioner.

Mr. J.S. Ghuman, Deputy Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing

This petition for regular bail under Section 439 Cr.P.C., has been filed by petitioner – Bhupinder Das @ Neeta, aged about 29 years, son of Sinder Dass, resident of village Bhojowali, PS Sadar Dhuri, District Sangrur, an accused in FIR No. 217, dated 19.8.2019, for offence under Sections 22 and 29 of the NDPS Act, 1985, registered at Police Station Sadar Dhuri, District Sangrur.

Briefly stated, the prosecution story is that on the basis of secret information that Bhupinder Dass @ Neeta – petitioner, and Jagsir Singh @ Jaggi, were engaged in selling of intoxicant tablets, a picket was laid. Petitioner – Bhupinder Dass @ Neeta was apprehended and 1380 intoxicant tablets make - Tramadol Hydrochloride Tablets 100 mgs, Clovidol-100SR, having batch No.

TVD-19141, were recovered from him. He was accordingly arrested in this case. The recovered contraband was taken into possession. Investigation in the case started.

The petitioner had moved an application for grant of regular bail before Judge Special Court, Sangrur, which was dismissed vide order dated 18.1.2020, as such, he has approached this court praying for grant of similar relief, which request is being opposed by the learned State counsel.

I have heard, learned counsel for the petitioner, learned State counsel, besides going through the record.

Admittedly, the contraband recovered from the accused-petitioner comes under the definition of commercial quantity, attracting the bar of Section 37 (b) of the NDPS Act, 1985, which provides as under :-

“37. Offences to be cognizable and non-bailable.

—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) XXX XXX XXX

(b) no person accused of an offence punishable for 3 [offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such

release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.”

In this case, I do not see any reason to record satisfaction that there are reasonable grounds for believing that the petitioner-accused is not guilty of such offence and that he is not likely to commit any offence while on bail. If released on bail, there is every possibility of petitioner's indulging in drug trafficking again and taking to the path of crime once again. Also, there is reasonable possibility of his absconding and even trying to tamper with the prosecution evidence, if granted the concession of bail.

Under the circumstances, the petition is doomed for failure and is dismissed accordingly.

However, nothing discussed above shall have any bearing on the merits of the case.

25.2.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No