

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-7397-2021

Date of decision: 24.02.2021

Gurdeep Singh @ Laddi**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Aminder Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition filed by the petitioner for grant of regular bail to him in case FIR No. 245 dated 28.12.2019, registered under Section 22 of the NDPS Act, 1985 at Police Station Sadar Sangrur, District Sangrur.

The first petition, bearing CRM-M-8304-2020, was dismissed on merits on 30.09.2020 by passing the following order:

“...Counsel for the petitioner has argued that the petitioner is in custody since 28.12.2019 and as per the allegations in the FIR, when the police party apprehended the petitioner, he suddenly threw a polythene bag on the side of the road and tried to ran away, he was over-powered by the police party and was arrested. Thereafter, on checking the polythene bag, 1700 of Clovidol-100SR tablets were recovered from the conscious possession of the petitioner.

Counsel for the petitioner has further argued that no notice under Section 50 of the NDPS Act was given

and no proper procedure was followed. It is also argued that no independent witness was joined in the investigation and the recovery is doubtful. Counsel for the petitioner further argued that since the investigation is complete, the petitioner be released on bail.

In reply, learned State counsel has submitted that it is a case of chance recovery, therefore, Section 50 of the NDPS Act will not apply in view of the judgment of the Hon'ble Supreme Court. Learned State counsel has further submitted that the recovery is of commercial quantity and there is no allegation of malafide against the Investigating Officer and other police officials that they have falsely implicated the petitioner. He further submitted that since the petitioner was found to be in conscious possession of commercial quantity of the narcotics and his custody is only of 09 months, the bail application be dismissed.

After hearing counsel for the petitioner and the learned State counsel; considering the allegations in the FIR and that the recovery is of the commercial quantity, I find no ground to grant the regular bail to the petitioner.

Therefore, the petition stands dismissed.”

Learned counsel for the petitioner seeks to reargue the entire case on the grounds which were available to petitioner when the aforesaid first petition was dismissed and the present petition has been filed within such a short span of time, that too without no change of circumstances.

Faced with this, learned counsel for the petitioner seeks withdrawal of the present petition.

Dismissed as withdrawn.

24.02.2021

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

**(ARVIND SINGH SANGWAN)
JUDGE**

*Yes/No
Yes/No*