

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(204)

CRM-M-8181-2021

Date of decision: - 27.09.2021

Buta Singh alias Ravi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present is the third petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.137 dated 26.06.2019, registered under Section 21/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Ferozepur, District Ferozepur.

Initially on 01.03.2021, learned counsel for the petitioner appeared and sought adjournment, which request was acceded and thereafter, again on 22.04.2021, a request was made for an adjournment by learned counsel for the petitioner, which was again acceded. On the last date of hearing i.e. 11.08.2021, nobody appeared on behalf of the

petitioner. Today again, there is no representation on behalf of the petitioner.

This Court has been informed that learned counsel for the appellant has sent a message to the office staff of this Court that the brief of the case has already been taken from him by the client and he has no instructions to appear in this case.

In the present petition, the allegations against the petitioner are that a commercial quantity of banned contraband i.e. Heroin along with huge cash was recovered from his possession. The plea of the petitioner that he be treated as a juvenile has already been rejected by the Principal Magistrate, Juvenile Justice Board, Ferozepur, who found the petitioner to be a person of mature understanding in respect of his mental and physical capacity so as to commit the said offence and to be tried as an adult under Section 18(3) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Learned Sessions Judge, Ferozepur considered the plea of the petitioner for the grant of regular bail and rejected the same keeping in view the fact that a commercial quantity of the banned contraband has been recovered from him along with cash of Rs.1,25,000/-.

Once, the commercial quantity of banned contraband i.e. Heroin has been recovered from the petitioner and another co-accused along with huge cash and the parameters of Section 37 of the NDPS Act imposes stringent conditions for the grant of bail, which do not cover the case of the petitioner, hence, no ground is made out to grant the petitioner the benefit of regular bail, at this stage.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 27, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No