

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-11597-2021****Date of Decision: 22.04.2021****VICTOR ADMYE DEVID****... PETITIONER****V/S****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Amrit Pal Singh, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Custody certificate has been circulated through email and the same
is taken on record.

Victor Admye Devid- petitioner is seeking regular bail in the case
bearing FIR No.81 dated 15.03.2019 under Section 21 of the Narcotics Drugs
and Psychotropic Substances Act, 1985, registered at Police Station Phillaur,
District Jalandhar Rural.

Briefly, the case has been registered against the petitioner in
pursuance of the recovery of 2.5 kg heroin.

It has been contended by the learned counsel for the petitioner that
he is in custody for the last two years and the conclusion of the trial is likely to
take some time.

On the contrary, it has been argued by the learned State counsel
that the quantity of contraband recovered from the possession of the petitioner
falls under the category of commercial quantity.

It is pertinent to note that this is the fourth petition under Section

439 Cr.P.C. for grant of regular bail to the petitioner. The two earlier applications for bail were dismissed by speaking orders in terms of orders dated 19.07.2020 and 24.12.2020 passed in CRM-M-14292 of 2020 and CRM-M-37030 of 2020 respectively. In the case in hand the quantity of contraband recovered from the possession of the petitioner falls under the category of commercial quantity, as such, the stringent provisions of Section 37 of the NDPS Act come into play. There is nothing to suggest that the petitioner has not committed the offence and is not likely to commit the offence while on bail. Moreover no significant change of circumstances is made out from the date of the rejection of the earlier bail petitions which may justify extending the concession of bail to the petitioner.

In view of the above, the present petition is dismissed.

22.04.2021

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No