

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

CRM-M-12862-2021

Date of decision: November 29, 2021

Sandeep Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. I.S. Dhaliwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab

ARVIND SINGH SANGWAN, J.

This is the second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.203 dated 16.8.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station City Muktsar, District Shri Muktsar Sahib.

Counsel for the petitioner submits that as per the allegations in the FIR, the police party, while on patrol duty, apprehended the petitioner and recovered 1000 Tramadol tablets. Counsel for the petitioner further submits that notice under Section 50 of the NDPS Act was given to the petitioner for effecting the recovery.

Learned State counsel, on the basis of the custody certificate has opposed the prayer on the ground that petitioner is also involved in one more FIR under the NDPS Act, i.e. FIR No.357 dated 19.10.2020, Police Station City Muktsar, District Sri Muktsar Sahib and one case under Section 302 IPC.

Learned State counsel further submits that petitioner was granted the concession of interim bail on 19.10.2019 on account of awaiting the FSL report but the petitioner never surrendered, thereafter. Thus, he misused the concession and, later on, after 10 months, he was found involved in aforesaid FIR No.357, wherein he was arrested. Learned State counsel also stated that since it was a case of chance recovery, provisions of Section 50 of the NDPS Act will not apply.

After hearing the counsel for the parties, considering the fact that the recovery is of commercial nature and during the pendency when the petitioner was on interim bail, he committed another offence under the NDPS Act, in which he is still in custody and has not been granted the concession of bail.

Accordingly, the present petition stands dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

November 29, 2021
satish

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No