

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM No. M-16415-2021

Date of Decision : 22.04.2021

Gurjit Singh @ Jeji Ghuman

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. G.S. Ghuman, Advocate for the petitioner.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 173 dated 13.07.2019, under Sections 22, 27 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Civil Lines, Patiala, District Patiala.

Learned counsel for the petitioner argues that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that custody of the petitioner is of more than one year and nine months and, therefore, petitioner be granted the benefit of regular bail.

Notice of motion.

Ms. Bhavna Gupta, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the

service of advance copy of petition, accepts notice on behalf of the respondent-

State and produced custody certificate of the petitioner, which is taken on record. Learned State counsel contends that the petitioner is a drug addict and as per the allegations, he is selling these banned drugs to the young children. The commercial quantity of the banned drugs has been recovered from him and, therefore, the petitioner be not granted the benefit of regular bail as being prayed.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The petitioner, who himself is a drug addict, is accused for selling the banned drugs to the young children. The possession of such a large quantity of banned drugs, prima-facie, cannot be said to be for his own use but for selling. The petitioner has become a drug addict and is also endangering the life of the citizens by selling the said drugs in the society especially to the young ones. Section 37 of the NDPS Act clearly lays down that the bail can only be granted in case the Court is satisfied that petitioner is not guilty of the such offence and is not likely to commit the same while on bail. In the facts and circumstances of the case, at this stage, this Court is unable to conclude that petitioner is either innocent or will not commit the same offence while on bail.

In the present case, nothing has been pointed out on merits of the case and the prayer for bail is only keeping in view the fact that petitioner is behind the bars for the last more than one year and nine months. In the cases related to violation of the NDPS Act, 1985, the custody period is to be treated insignificant in case the allegations are serious and in the present case the recovery of the banned drugs is not only

commercial but is of large quantity.

In the facts and circumstances of the present case, this Court is not satisfied, at this stage, that the petitioner is not guilty of the such offence or is not likely to commit the offence while on bail.

Keeping in view the allegations merely on the ground that the petitioner is a drug addict and is selling the banned drugs to the young children, no ground is made out to grant the benefit of regular bail to the petitioner.

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.

April 22, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*