

In virtual Court

CRM-M-16077-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16077-2021 (O&M)
Date of decision: 01.09.2021

Sudesh Kumar @ Binder

... Petitioner

Vs.

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Brar, Advocate
for the petitioner.

Mr. A.M. Punchhi, PP, U.T. Chandigarh with
Mr. Anupam Bansal, APP, U.T. Chandigarh.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.234 dated 21.12.2020 under Section 22 of NDPS Act, registered at Police Station Sector 31, Chandigarh.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Lakha Singh, while on patrol duty, a man was seen coming on a slip road, carrying a white coloured polythene bag in his right hand. On seeing the police party, he suddenly became perplexed and turned back and started walking briskly. On apprehension, he was stopped by the police and on suspicion of carrying some stolen articles etc., he was apprehended and tried to throw the white coloured polythene bag, but the same

was captured. On search of the polythene bag, 13 injections of Buprenorphine and some other medicines were found and by following the proper procedure, said case property was recovered and the accused was arrested. It is further submitted that the petitioner has been arrested without following the provisions of Section 50 of NDPS Act.

Learned PP, U.T. Chandigarh has filed the custody certificate dated 31.08.2021 in the Court today and as per this custody certificate, the petitioner is in custody for the last 08 months and 10 days and he is on bail in another FIR No.84 dated 22.03.2019 under Section 22 of NDPS Act and previously, he was convicted for two years in FIR No.217 dated 14.07.2014 under Section 22 of NDPS Act. It is submitted that the petitioner is a habitual offender and has even been convicted on an earlier occasion and since it was a case of chance recovery, provisions of Section 50 of NDPS Act will not apply, as the recovery was from the polythene bag.

After hearing learned counsel for the parties, considering the antecedents of the petitioner, I find no ground to grant him regular bail.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

01.09.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No