

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

205

CRM-M-25264-2021 (O&M)

Date of decision: 13.07.2021

MOHD. ALIM

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shiv C. Bhola, Advocate for the petitioner.
Ms. Bhavna Gupta, DAG, Punjab.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the third petition for grant of bail pending trial in a criminal case arising from FIR No.13, dated 03.03.2019, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mulepur, District Fatehgarh Sahib.

The first application filed by the petitioner was dismissed on 11.12.2019 with the following order:-

Petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.13 dated 03.03.2019 registered under Sections 22, 29, of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Mulepur.

As per case of the prosecution, 19500 intoxicant tablets were recovered from the conscious possession of co-accused. On interrogation, they disclosed that they have sourced these tablets from the petitioner.

Learned counsel for the petitioner contends that there is

no recovery from the petitioner who has been apprehended only on the disclosure statement of the co-accused, evidentiary value whereof is not significant.

On the other hand, learned counsel for the State, on instructions from ASI Baljinder Singh, has submitted that the petitioner is a Chemist and he was in constant touch with other accused for the last many days before the date of incident. On the day of occurrence, there are more than 10 calls.

Keeping in view the huge recovery, this Court is not inclined to grant concession of regular bail to the petitioner particularly in view of bar of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Accordingly, the present petition is dismissed.

Thereafter, the second petition filed by the petitioner was dismissed on 02.12.2020. The operative part thereof, reads as under:-

As per the custody certificate, the petitioner is also nominated as an accused in FIR No.65 dated 07.05.019, registered under Section 22/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Fatehgarh Sahib.

Learned counsel for the petitioner contends that the petitioner is in custody since 20.06.2019 and the trial of the case has not made any progress.

In the present case, as noticed in the order dated 11.12.2019, the recovery is 19500 intoxicating tablets. The prosecution has collected some evidence prima facie showing some involvement of the petitioner.

Still further, there is another case under the Narcotic Drugs and Psychotropic Substances Act, 1985, pending against the petitioner in which no bail has been granted to the petitioner.

Keeping in view the aforesaid facts, no fresh ground for grant of bail to the petitioner is made out.

Dismissed

Learned counsel representing the petitioner contends that co-accused of the petitioner Pankaj Kumar has been granted bail on 11.01.2021. Hence, he submits that the petitioner is also entitle to the concession of bail.

This Bench has gone through the order passed by the Co-ordinate Bench on 11.01.2021. It is apparent that Pankaj Kumar does not have criminal antecedents, whereas, the petitioner is involved in another case under the NDPS Act, 1985.

The recovery in the present case is huge. Keeping in view the aforesaid facts, this Bench is not inclined to grant concession of bail.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

13.07.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE