

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

DECIDED ON: 27th August, 2021

(1) CRM-M-21385-2021

Malkeet Singh @ Kuldeep @ Baljeet

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

(2) CRM-M-23314-2021

Kuldeep @ Kunji

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Deep Singh, Advocate for petitioners.

Mr. Kirpal Singh Thakur, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

These two petitions under Section 439 Cr.P.C. are filed seeking regular bail in case of FIR No.282 dated 3.11.2019, under Section 22(C) of NDPS Act, 1985, (Section 27-A added lateron) registered at Police Station Ratia, District Fatehabad.

Brief facts are that police party on 3.11.2019 held a naka and checked a motor cycle bearing registration No.HR-22-P-4878.The motor cycle was being driven by Malkit Singh @ Kuldeep @ Baljit. The pillion rider was Kuldeep Singh @ Kunji. A plastic bag was lying between the two riders. 2000

tablets of Tramadol and 7800 tablets of Alpazolam, were recovered.

Earlier petitions filed for bail were withdrawn.

Learned counsel for the petitioners relying upon the custody period of the petitioners for seeking regular bail. Contention is that there was no recovery from the conscious possession rather a bag was lying between the two riders. The driver was not holding bag.

Learned State counsel vehemently opposes the prayer for grant of bail. He submits that Malkeet Singh @ Kuldeep @ Baljeet is involved in two more cases under NDPS Act.

There was heavy recovery from the petitioners. The provisions of NDPS Act are stringent. Bail cannot be granted solely on the basis of custody period. No ground is made out for grant of bail.

The petitions are dismissed.

Photocopy of this order be placed on the file of connected case.

27th August, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>