

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23160-2021

Date of decision: - 30.06.2021

Devinder Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, Asstt. Advocate General, Punjab.
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present third petition has been filed under Section 439
Cr.P.C. for the grant of regular bail to the petitioner in FIR No.14 dated
07.02.2020, under Section 22 of the Narcotic Drugs & Psychotropic
Substances Act, 1985 (hereinafter referred as 'NDPS Act'), registered at
Police Station S.G.N. Dev Thermal, Bathinda, District Bathinda.

Learned counsel for the petitioner argues that the petitioner
has been falsely implicated in the present petition as he has done no
wrong. Learned counsel for the petitioner further argues that the
petitioner is already behind bars for the last about one year and four
months and therefore, keeping in view the said custody period, petitioner

is entitled for the grant of regular bail.

Notice of motion.

Mr. Harsimar Singh Sitta, Asstt. 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.

Learned State counsel submits that the recovery has been done from the petitioner and the recovery of the contraband is in commercial quantity and therefore, the prayer of the petitioner for the grant of regular bail may kindly be rejected.

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

From the perusal of the record it is clear that 2500 tablets of Clovidol-100 SR were recovered from the possession of the petitioner. The only argument raised by learned counsel for the petitioner is that the petitioner has behind the bars for the last about one year and four months and therefore, only on the basis of the incarceration already undergone, he be granted the benefit of regular bail. The said argument is not applicable in the offences related to the violation of the NDPS Act. The incarceration for a period of about one year and four months cannot be made a sole ground for the grant of bail ignoring the other facts such as recovery of banned substance in commercial quantity especially when the parameters fixed under Section 37 of the NDPS Act imposes stringent conditions for the grant of bail. Nothing has been presented before this Court as of now to prima facie show that the petitioner was not involved

in the offence or the allegations are false. Hence, the prayer of the petitioner, keeping in view the facts of this case as noted hereinbefore, for the grant of regular bail cannot be accepted only on the ground of the custody period already undergone.

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.

June 30, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No