

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-27686-2021

Date of Decision : August 24, 2021

Manjit Singh

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Fateh Saini, Advocate, for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

This is 4th petition under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.88 dated 11.03.2020 registered under Section 22 of the NDPS Act, 1985 at Police Station Barara, District Ambala, Haryana.

Learned counsel for the petitioner argues that the petitioner is entitled for the grant of regular bail only on the basis of custody undergone. Learned counsel for the petitioner very fairly concedes that there are other cases registered against the petitioner but submits that those facts are liable to be ignored for the purpose of consideration for the grant of bail in the present case. Learned counsel for the petitioner further concedes that in the present case, the intoxicant tablets duly verified by the FSL were recovered in commercial quantity.

Learned counsel for the respondent-State submits that the petitioner is a habitual offender and once the commercial quantity of contraband was recovered from the petitioner, the restrictions imposed under Section 37 of the NDPS Act creates hurdle for the grant of bail to the petitioner.

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

It is not disputed by the learned counsel for the petitioner that the quantity of contraband recovered from the petitioner in the present case is commercial in nature and further that there are three other cases pending against the petitioner though, the petitioner is on bail in those cases. It is important to note here that the present act was committed by the petitioner while he was on bail in FIR No.185 dated 28.06.2017 which related to the violation of Section 21/22 of the NDPS Act.

As per Section 37 of the NDPS Act, where a commercial quantity has been recovered from an accused, he can only be granted bail in case, the Court is convinced that the allegations alleged against the said accused, are prima facie false and in case, the said accused is granted bail, he is not likely to indulge in similar activities again.

In the present case, the petitioner has indulged again in the similar activities of violating the NDPS Act despite the fact that the petitioner was on bail in FIR No.185 dated 28.06.2017, which also related to the violation of the NDPS Act.

This shows that the petitioner is a habitual offender and in case, is granted bail, he will indulge in same activities once again.

No ground is made out to grant the benefit of regular bail to the petitioner, at this stage.

Dismissed.

It is made clear that nothing observed herein shall be construed to be an expression of any opinion on the merits of the case.

August 24, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No