

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-22124 of 2020
Date of Decision : 03.09.2021

Gurpreet Singh @ Sony and another

..Petitioners

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.S. Malwai, Advocate for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Custody certificate filed by the learned State counsel in the Court today is taken on record.

The present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioners in FIR No.403 dated 02.10.2019 registered under Sections 22 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'the NDPS, Act') at Police Station City Barnala, District Barnala.

Learned counsel for the petitioners argues that the petitioners have already undergone custody for a period of one year and ten months and, therefore, they be granted the benefit of regular bail.

Learned State counsel submits that the recovery of commercial

quantity of banned drugs has been effected from the conscious possession of the petitioners as they were carrying 21000 intoxicant tablets at the time of their arrest. Learned State counsel further submits that the petitioners are also involved in other cases related to the NDPS Act.

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

The custody undergone by the accused cannot be a sole ground for the grant of benefit of regular bail in the cases related to the NDPS, Act and the allegations alleged cannot be ignored. In the present case, the quantity of the contraband recovered from the petitioners is commercial in nature and the argument of the learned State counsel that the petitioners are habitual offenders has gone unrebutted. There is a clear embargo in Section 37 of the NDPS Act. In the present case, this Court is unable to form an opinion that either the allegations alleged against the petitioner are false or the petitioners will not commit the same offence again, in case, they be granted the benefit of regular bail.

No ground is made out to allow the present petition seeking grant of regular bail.

Dismissed.

September 03, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No