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

**CRM-M-27390-2021 (O&M)
Date of Decision: 27.07.2021**

Sajan

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.217 dated 04.11.2018 registered under Section 21 NDPS Act, 1985 at Police Station Kartarpur, District Jalandhar. The petitioner is in custody since his arrest on 04.11.2018.

As per prosecution case, 500 grams of heroine was recovered from the bag kept by Sajan (petitioner) on his lap while sitting in the car bearing registration NO.PB-35-Q-1363.

Learned counsel has submitted that the petitioner is in custody for a long time and the recovery of alleged contraband was made from the petitioner without complying with the provisions of Section 50 NDPS Act. According to him, the offer given to the petitioner at the stage of recovery was restricted offer and, therefore, the petitioner be released on bail, as he is not involved in any other case of similar nature.

During the course of hearing, when the Court had put a

question to the learned counsel to explain the alleged violation of Section 50 NDPS Act, Mr. Ruhani Chadha, learned counsel did not pay any attention to the question and stated that as his other case is being taken up in other Court, and chose not to render assistance to the Court.

At this stage, learned State counsel has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity and previously, three similar petitions filed by the petitioner have already been dismissed. Learned State counsel has further produced the custody certificate of the petitioner, which indicates that he is involved in another case of similar nature i.e. FIR No.47/2018, registered under Section 21 NDPS Act, 1985, at Police Station Dasuya, District Hoshiarpur. He submits that the petitioner does not deserve the concession of regular bail.

After hearing the learned counsel for the parties, this Court finds that the issue of violation of provisions of Section 50 NDPS Act can be raised during trial proceedings, as the learned counsel for the petitioner has failed to explain the alleged violation. Apart from it, it was wrongly projected before this Court that the petitioner is not involved in any other case as pleaded in para 13 of the petition, whereas the custody certificate reflects his involvement in a similar case.

Considering the above background, no case is made out for grant of regular bail to the petitioner.

Dismissed.

27.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE