

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

CRM-M-27728-2021

Date of Decision: 28.07.2021

MANJINDER SINGH @ BABBU

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. H.S.Sullar, Deputy Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Through instant petition, petitioner is seeking regular bail in case bearing FIR No. 20 dated 09.03.2019 under Sections 15 and 25 of the Narcotics Drugs and Psychotropic Substances Act (for short the 'NDPS Act') registered at Police Station Sudhar, District Ludhiana.

Custody certificate of the petitioner filed in the Court through e-mail, is taken on record.

Briefly, the aforesaid FIR has been registered in pursuance of recovery of 80 kg of poppy husk from the possession of the petitioner.

It has been contended by the learned counsel for the petitioner that he is in custody for a period exceeding two years and the co-accused has been granted bail.

On the contrary, while resisting the bail application, it has been argued by learned State counsel that the quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity and one more case under the NDPS Act has been registered against him. Besides, a case under Section 52A(1) of Prison Act has also been registered against the petitioner. Furthermore, the case of the petitioner is distinguishable from the co-accused, namely, Boota Singh.

In the case in hand, 80 kg of poppy husk has been recovered from the possession of the petitioner which falls in the category of commercial quantity. As such, stringent provisions of Section 37 of the NDPS Act come into play. The petitioner is also involved in another case under the NDPS Act. There is nothing to suggest that the petitioner has not committed the offence and is not likely to commit the offence, while on bail. Moreover, the petitioner cannot seek parity with Boota Singh (co-accused) as he was nominated on the basis of the disclosure statement of the petitioner and was not involved in any other case. Consequently, the case of the petitioner is not at par with that of Boota Singh (co-accused).

Keeping in view the entire circumstances of the case, no ground is made out to extend the concession of bail to the petitioner.

Dismissed.

28.07.2021
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No