

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

CRM-M-29179-2021 (O&M)

Date of decision: 17.08.2021

Muktair Singh alias Tara

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Brijesh Nandan, Advocate for the petitioner
Mr. Hittan Nehra, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

CRM-24208-2021

Allowed as prayed for.

Main case

This is 4th petition for grant of bail pending trial in a criminal case arising from FIR No. 48 dated 27.03.2019 registered under Section 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station, Mehta District Amritsar.

The previous petition for grant of bail filed by the petitioner was dismissed by this Court on 23.09.2020 with the following order:-

“The petitioner prays for grant of bail pending trial in a criminal case arising from FIR no.48, dated 27.3.2019, registered under Section 21,61, 85 of the NDPS Act, 1985, at Police Station Mehta, District Amritsar.

In the caption of the petition, it has been notified that this is the first petition for grant of bail

whereas, as per the office note, the petitioner has previously filed two previous petitions for bail i.e CRM-M-48164-2019 and CRM-M-4516-2020, which have been dismissed.

As per the case of the prosecution, the petitioner was apprehended with 5grams of Heroin (contraband), however on his disclosure statement, additional recovery of 1 kg and 160 grams Heroin was made.

Learned counsel for the petitioner has contended that the petitioner is ready to furnish heavy surety and therefore, he should be released on bail.

This Court has considered the submissions, however, finds no substance therein. In India, the bail is not granted only on the ground that the petitioner is ready to furnish heavy surety/security. As per Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, if the recovery is of commercial quantity, normally the bail should not be granted. The petitioner is involved in as many as four cases under the Narcotic Drugs and Psychotropic Substances Act, 1985. Hence, no ground to grant concession of bail to the petitioner is made out.

Dismissed.”

Learned counsel representing the petitioner submits that the trial of the case has not made any progress and therefore, the petitioner be granted the concession of bail.

In the present case, the allegations against the petitioner are that he has been instrumental in getting 1 kg 160 grams of Heroin

(contraband) recovered near India Pakistan International Border. On 09.11.2019, it was noticed that as per the stand of the police, one mobile sim card of Pakistan origin was also recovered from the petitioner.

No doubt, due to outbreak of COVID-19 pandemic, the courts have to work in a restricted manner, however, now the courts have resumed their normal functioning. The allegations against the petitioner are serious and the alleged recovery falls in the commercial category. Hence, no ground to grant the concession of bail to the petitioner is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

17.08.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE