

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

CRM-M-29958-2021

Date of Decision: 07.09.2021

Jagir Singh @ Heera

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. I.P.S. Kohli, Advocate for petitioner.

Ms. Monika Jalota, DAG Punjab.

AVNEESH JHINGAN, J (Oral):

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No. 95 dated 7.6.2018, under Section 15 of NDPS Act, 1985 and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Bhargon Camp, Police Commissionerate, Jalandhar.

The relevant facts are that police party during routine checking on 7.6.2018 checked truck driven by petitioner Jagir Singh @ Heera. From the truck, 2200 kilograms Poppy husk, one pistol and five live cartridges were recovered which were hidden in the ten tyres loaded in the truck.

Learned counsel for the petitioner submits that the petitioner is in custody since 2018.

Learned State counsel opposes the grant of bail and submits that the petitioner is involved in 10 more cases, out of which six cases are under NDPS Act. It is a case of heavy recovery. Petitioner was also carrying an unlicensed pistol and live cartridges.

Stringent provisions have been provided under the NDPS Act for dealing with the persons indulging in Narcotic substances.

Section 37 is reproduced:

"37. Offences to be cognizable and non-bailable.

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974)

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity shall be released on bail or on his own bond unless

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, on granting of bail."

Period of custody alone cannot be considered for grant of regular bail. Involvement of petitioner in six more cases under NDPS Act is an indicator of his antecedents.

No ground is made out for grant of bail.

Dismissed.

It is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

**[AVNEESH JHINGAN]
JUDGE**

7th September, 2021
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |