

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

201

**CRM-M-30158-2021
Date of decision: 02.11.2021**

ARSHDEEP SINGH

VERSUS

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

202

CRM-M-32319-2021

TARLOK SINGH

VERSUS

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioner in both cases.

Ms. Ruchika Sabharwal, AAG, Punjab. .

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner(s) have been circulated by the
learned State counsel and the same are taken on record.

Arshdeep Singh and Tarlok Singh-petitioners are seeking regular bail in
the case bearing FIR No. 69 dated 14.07.2019, under Sections 15/18/22/29 of the
NDPS Act, 1985 (for short the Act), registered at Police Station Kulgarhi, District
Ferozepur.

Briefly, the case has been registered in pursuance of recovery of 300 Kg
of Poppy Husk from a Tralla being driven by Tarlok Singh. During the course

of investigation, Arshdeep Singh-petitioner was arrested and in pursuance of his

his disclosure statement, 100 kg of Poppy Husk, 700 grams of opium, 1200 tablets of Lomotil along with Rs.30,000/- as drug money have been recovered from him. Arshdeep Singh-petitioner is stated to be son of the owner of the Tralla

It has been argued by the learned counsel for the petitioner(s) that the mandatory provisions of Section 50 of the Act have not been complied with in the instant case. The recovery in pursuance of the alleged disclosure statement of Arshdeep Singh-petitioner is not free from doubt, the petitioners are in custody for a period exceeding 02 years and the co-accused, namely, Balwinder Singh and Inderjit Singh @ Indri have been granted bail.

On the contrary, it has been argued by the learned State counsel that the quantity of contraband recovered in the instant case falls in the category of commercial quantity, the recovery has not been affected during personal search and the case of the petitioners is not at par with the co-accused who have been granted bail.

In the case in hand, the quantity of contraband recovered from the possession of the petitioners falls in the category of commercial quantity. As such, stringent provisions of Section 37 of the Act come into play. There is nothing to suggest that the petitioners have not committed offence and are not likely to commit the offence while on bail.

Moreover, the case of the petitioners cannot be termed to be at par with the co-accused, namely, Balwinder Singh and Inderjit Singh @ Indri who have been granted bail. Admittedly, no recovery has been effected from those two accused and as such, the petitioners do not become entitled for bail on parity with the co-accused. In the instant case, the recovery has not been effected during personal search of the petitioners and as such, it cannot be said that provisions of Section 50 of the Act are attracted. Although, the petitioners are in custody for a period

exceeding 02 years but the delay is mainly on account of restricted hearing of the Courts due to Covid-19 Pandemic. In such circumstances, it cannot be said that there was lapse on the part of prosecuting agency which resulted in the delay of trial.

As a cumulative effect of aforesaid observations, both the petitions are dismissed.

02.11.2021
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(VIVEK PURI)
JUDGE

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