

BALJINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karunesh Kaushal, Advocate
for the petitioner.

Mr. S.P.S. Tinna, Addl. AG, 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 has been circulated through email today and the same is taken on record.

Briefly, the FIR bearing No. 84 dated 09.07.2020 under Section 15 of Narcotics Drugs and Psychotropic Substances Act, 1985, at Police Station Bhadson, District Patiala has been registered in pursuance of the recovery of 04 bags each weighing 16 kg (64 kg) of Poppy Husk from the vehicle being driven by the petitioner.

It has been contended by the learned counsel for the petitioner that the petitioner has been falsely implicated and there are significant infirmities that have arisen during the course of cross-examination of the witness to the recovery.

On the contrary, learned State counsel has vehemently opposed the bail application and has argued that three persons were travelling in a car wherein Poppy Husk to the extent of 64 kg has been recovered which falls in the category of commercial quantity.

It is significant to note that at the earlier instance, the bail application of the petitioner has been dismissed by a speaking order dated 06.11.2020. The

deficiency or infirmity, if any, that may have emerged in the cross-examination of a witness is to be evaluated and looked into by the trial Court at appropriate stage. The petitioner has only undergone custody for a period of about 01 year and 03 months. The quantity of contraband recovered in the instant case falls in the category of commercial quantity. As such, stringent provisions of Section 37 of the NDPS Act come into play. There is nothing to suggest that the petitioner has not committed offence and is not likely to commit the offence while on bail. Moreover, no significant change of circumstances made out in the instant case from the date of dismissal of earlier bail application by a speaking order which may justify extending the concession of the bail to the petitioner.

In view of the above terms, the present petition is dismissed.

28.10.2021
renubala

(VIVEK PURI)
JUDGE

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