

DINESH KUMAR SHARMA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, 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 e-mail today and the same is taken on record.

Dinesh Kumar Sharma-petitioner is seeking regular bail in the case bearing FIR No. 120 dated 21.08.2019 under Section 21 of NDPS Act, registered at Police Station Sadar Ludhiana, District Ludhiana.

The present case has been registered in pursuance of the recovery of 980 tablets of Tramadol Hydrochloride.

It has been contended by the learned counsel for the petitioner that the father of the petitioner had died on 24.04.2021 and his son passed away on 12.02.2020. There is no one in the family to look after his aged mother and wife. Furthermore, the petitioner is in custody for a period of about 2 years, out of 14 only 3 witnesses have been examined and examination-in-chief of 1 witness has been recorded.

Learned State counsel has opposed the bail application on the score

that the petitioner is involved in another case bearing FIR No. 259 dated
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I attest to the accuracy and
integrity of this document

25.11.2018 under Section 22 of NDPS Act. The custody certificate indicates that he was released on bail on 21.12.2018 as per orders passed by the learned Additional Sessions Judge, Ludhiana. The petitioner had committed the present offence while on bail in the earlier case. The quantity of contraband recovered in the instant case falls in the category of commercial quantity as the total weight of the recovered Tramadol Hydrochloride is 402.78 grams.

This is the third bail application filed on behalf of the petitioner. The earlier two bail applications were dismissed as withdrawn. In the instant case 402.78 grams of Tramadol Hydrochloride has been recovered from the possession of the petitioner.

It is significant to note that the petitioner has been involved in the present case during the period he was on bail in another case under NDPS Act which aggravates the gravity of allegations against him. 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 it cannot be said that he is not likely to commit the offence while on bail particularly for the reason that the present case has been registered during the period when he was on bail in another case under NDPS Act. Merely, because the father and son of the petitioner have died, it cannot be termed to be a ground to extend the concession of the bail to the petitioner in the aforesaid circumstances of the case.

For the aforesaid reasons, the present petition is dismissed.

23.09.2021
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(VIVEK PURI)
JUDGE

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