

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

201

CRM-M-39746-2021 (O&M)

Date of decision: 13.12.2021

MUKESH KUMAR ALIAS MINTU

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lavanya Gupta, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. AG, Punjab.

ANIL KSHETARPAL, J (Oral)

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

This is the petitioner's third attempt to get the bail, pending trial,
in a criminal case arising from FIR No.79, dated 24.08.2019, registered under
Section 21 and 29 of the NDPS Act, 1985, at Police Station Special Task
Force, Phase IV, Mohali, District SAS Nagar.

As per the case of the prosecution, 418 grams of heroin was
recovered from the dash board of a motor car occupied by the petitioner and
his co-accused.

Learned counsel for the petitioner contends that the aforesaid co-
accused namely Harpreet Singh @ Harji has been granted concession of bail
by a Co-ordinate Bench vide order dated 15.07.2021.

This Court has carefully read the aforesaid order. It is evident
that the co-accused in the aforesaid case was granted concession of bail

because he was not involved in any other NDPS case. In the present case, the petitioner is also an accused in FIR No.38, dated 14.03.2019, registered under Section 21 of the NDPS Act, 1985, at Police Station Shimlapuri. The alleged recovery from the petitioner falls in the category of commercial. The petitioner has failed to fulfill the requirement of Section 37 of the NDPS Act, 1985.

Dismissed.

All the pending miscellaneous application(s), if any, are also disposed of.

13.12.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE