

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.44068 of 2020
Date of Decision: September 06, 2021

Balkar Singh @ Balla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sant Pal Singh Sidhu, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.80 dated 03.07.2019, under Sections 18 and 27-A N.D.P.S. Act, 1985, registered at Police Station, Sultanwind, District Amritsar, who is in custody since his arrest on 03.07.2019.

As per the FIR, on 03.07.2019 the policy party was present near bridge G.T.Road, Jalandhar to Amritsar for patrolling. A secret information was received by the police that Balkar Singh @ Bhalla is indulged in smuggling of opium and if a raid is conducted, opium can be recovered in huge quantity. Acting upon the said information, the accused was apprehended and from his possession, 1½ kgs. opium was recovered and further on his confessional statement, 5 kgs. opium was also recovered from a cabinet of the room of his house.

Learned counsel for the petitioner has argued that the petitioner

is in custody for a long period and the trial is likely to consume considerable time to conclude as no witness has been examined by the prosecution so far, though the charges were framed on 16.12.2019. He prays for bail.

Learned State counsel, who is assisted by ASI Anokh Singh, while opposing the prayer of the petitioner, has contended that the quantity recovered from the petitioner falls within the ambit of commercial quantity. He has produced the custody certificate of the petitioner by way of affidavit of Manjit Singh, PPS, Additional Superintendent, Central Jail, Amritsar to contend that he is involved in another case of similar nature.

Considering the above background, nature and quantity of contraband recovered and the fact that the trial is yet to commence, no case is made out for grant of regular bail to the petitioner.

Consequently, the petition is dismissed.

September 06, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No