

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

CRM-M-43364-2019(O&M)

Date of decision:-6.4.2021

Satpal Singh alias Satta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.D.K. Sihag, Advocate
for the petitioner.

Mr.J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

Custody certificate in respect of the petitioner/accused, filed
on behalf of the State is taken on record.

This petition for regular bail has been filed by petitioner –
Satpal Singh alias Satta, aged about 40 years, resident of village Kala
Tibba, P.S. Sadar Abohar, Tehsil Abohar, District Fazilka, an accused in
FIR No.46 dated 5.6.2019 for the offences under Sections 15 and 22 of
NDPS Act, registered at Police Station Sadar, Abohar, District Fazilka.

In nutshell, the prosecution story is that on 5.6.2019, when
apprehended by the police in the area of Police Station Sadar, Abohar,
petitioner/accused Satpal Singh alias Satta was found in possession of

contraband in the form of 5 kgs of poppy-husk and 5400 intoxicant tablets. He was arrested in this case. Formal FIR in the matter was registered. Investigation in the case started. The petitioner had filed application for regular bail in the Court of Sessions, which was dismissed by learned Judge, Special Court, Fazilka vide order dated 4.9.2019, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The contraband recovered from the possession of petitioner/accused amounts to commercial quantity, attracting bar of Section 37 of NDPS Act, which reads as under:

Offences to be cognizable and non-bailable.—

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 3 [offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal

Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.

In the present case, I do not see any reason to record satisfaction that there are reasonable grounds for believing that the petitioner is not guilty of such offence and that he is not likely to commit any offence while on bail.

The drug trafficking is rising at an alarming rate in this region, which has ruined the lives of young men and women. Drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increased drug trafficking.

The trial is going on and likely to be concluded in near future. Therefore, considering all the facts and circumstances of the case, I am of the view that it is not a fit case to grant concession of regular bail to the petitioner. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even tampering with the prosecution evidence cannot be brushed aside lightly. Furthermore, there is every possibility of petitioner taking to the path of crime again and indulging in drug peddling, if granted bail.

Therefore, finding no merit in the petition, the same stands dismissed.

It may be mentioned here that nothing discussed hereinabove

shall have any bearing on the merits of the case.

6.4.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No