

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

288

**CRM-M-1272-2022(O&M)
Date of decision : 27.07.2022**

KAKA RAM

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Yashpal Thakur, Advocate
for he petitioner.

Mr. Sharan Sethi, Additional AG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

CRM-991-2022

Application is allowed as prayed for.

CRM-M-1272-2022

In the present petition, the prayer of the petitioner is for the grant of regular bail in FIR No.228 dated 23.09.2019 under Section 22 of NDPS Act registered at Police Station Sirhind, District Fatehgarh Sahib, Punjab.

Learned counsel for the petitioner submits that the petitioner has wrongly been implicated in the present case and as the petitioner is behind bars since 23.09.2019, it is approximately three years that the petitioner is behind bars and therefore, as the trial is likely to take some time before it concludes, the petitioner may kindly be granted the regular bail.

Learned State counsel submits that commercial quantity of the contraband was recovered from the petitioner. Hence, keeping in view the

bar imposed by Section 37 of the NDPS Act, the prayer of the petitioner may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case the contraband, which is of commercial quantity, has been recovered. The petitioner cannot be granted the regular bail only on the ground that he has undergone custody for a period of approximately three years ignoring Section 37 of the NDPS Act. Nothing has been brought to the notice of this Court so as to satisfy the condition imposed in Section 37 of the Act. No material has been brought to the notice of this Court that the petitioner is either innocent or has not committed the said act or that he will not commit the same offence in case extended the benefit of regular bail. That being so, merely on the ground that the petitioner has undergone approximately three years of incarceration, petitioner cannot be granted the benefit of regular bail keeping in view the facts and circumstances of this case.

Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

27.07.2022

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Whether speaking/reasoned
Whether Reportable :

Yes
No