

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(230)

CRM-M-5055-2022
Date of decision:- 06.09.2022

Kaptan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No.14 dated 21.03.2020, registered for offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”), at Police Station Bakshiwal, District Patiala, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered when two young men, who were on foot, were stopped on suspicion and on checking, they were found to be in possession of 1 (one) *Kilogram* heroin. On enquiry, they identified themselves as Kaptan Singh (present petitioner) and Gaurav Soni.

Heard counsel for the parties.

Although, it has been alleged that the petitioner was found to be in possession of 400 grams of heroin and 600 grams of contraband was recovered from the co-accused, but the fact remains that the recovery even if taken individually, falls within the ambit of commercial quantity and rigour of Section 37, NDPS Act is attracted. Mere facts that the petitioner is in custody for more than two years and the trial is not likely to conclude in the near future, are not in themselves sufficient grounds to order the release of the petitioner on bail. Custody Certificate shows that the petitioner has criminal antecedents. He has been convicted and sentenced for a period of four years in FIR No.292 registered on 28.11.2015 under Section 20 (b) (ii) (B), NDPS Act at Sadar Mandi. This Court is of the opinion that there is substance in the apprehension expressed by the State that if enlarged on bail, the petitioner is likely to indulge in drug trafficking.

There is no merit in the petition, which is hereby dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

06.09.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No