

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

215

CRM-M-4542-2022

Date of Decision : **February 10, 2022**

BILLU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.122 dated 4.3.2020 under Sections 15, 27 of NDPS Act, registered at Police Station Gharaunda, District Karnal.

It has been submitted by the learned counsel for the petitioner that the earlier two bail applications filed by the petitioner were dismissed as withdrawn vide orders dated 22.12.2020 and 24.8.2021 respectively. He has further submitted that the petitioner is in custody from 4.3.2020 which is almost one year and eleven months and, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Arya, learned Addl. Advocate General, Haryana has submitted that it is a case where the petitioner was apprehended at the spot on the basis of a secret information and there was

a recovery of 204 kgs of poppy husk from the petitioner and due procedure under Section 50 of NDPS Act was complied with. He submitted that the confiscated quantity was almost four times than the commercial quantity which is stated to be 50 kgs in the schedule of the NDPS Act. He has further submitted that in view of the huge recovery of poppy husk from the petitioner which is much more than commercial quantity, the prayer of the petitioner for the grant of regular bail was hit by the bar contained under Section 37 of the NDPS Act and there is no ground for the petitioner seeking a departure from the aforesaid bar and, therefore, has opposed the prayer of the petitioner for the grant of regular bail.

I have heard the learned counsels for the parties.

The alleged confiscated quantity of 204 kgs of poppy husk from the petitioner which is much more than commercial quantity would be governed by Section 37 of NDPS Act. The petitioner has not been able to show any ground for making departure from the bar contained under Section 37 of NDPS Act.

In view of the above, no ground is made out for the grant of bail to the petitioner.

Consequently, the present petition is, hereby, dismissed.

(JASGURPREET SINGH PURI)
JUDGE

February 10, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No