

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

220

CRM-M-6111-2022

Date of Decision : **February 21, 2022**

RAKESH MANCHANDA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Deepkaran Dalal, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

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.167 dated 10.10.2020 under Section 420 IPC, Sections 13, 3, 67 of Public Gambling Act and Sections 21, 29, 61, 85 of NDPS Act, Police Station Mataur, District SAS Nagar.

The learned counsel for the petitioner has submitted that the petitioner is in custody for the last one year and four months and now the charges have been framed by the learned trial Court. He submitted that even as per the allegations the alleged recovery from the petitioner was 270 grams of Heroin and 300 grams of Heroin from the possession of the other co-accused, namely, Vipin. He further submitted that basically it was a case of gambling but the present case under NDPS Act has been planted upon the petitioner and considering the long custody of the petitioner, he may be considered for the grant of regular bail especially in view of the fact that the petitioner is not involved in any other case.

On the other hand, learned State counsel has submitted that

earlier also the petitioner had filed two petitions before this Court which were withdrawn by him on 1.7.2021 and 8.9.2021 and has submitted that the prayer of the petitioner for the grant of regular bail was hit by the bar contained under Section 37 of NDPS Act. He further submitted that the petitioner has been specifically named in the present FIR alongwith two other co-accused and it is not only a case of recovery of 270 grams of Heroin but there has been a recovery of other material also in the present case which include electronic equipments 04 laptops, 14 mobile phone, and 1 phone landing machine. He further submitted that there is no ground available with the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act.

I have heard the learned counsels for the parties.

The petitioner is in custody for the last more than one year and four months. There has been an alleged recovery of 270 grams of Heroin from the petitioner and 300 grams of Heroin from the possession of the other co-accused, namely, Vipin. Apart from the same, various other articles were also recovered by the police as stated by the State in the affidavit. The petitioner has not been able to make any ground for making a departure from the bar contained under Section 37 of NDPS Act. Since the recovery was of a commercial nature, the bar under Section 37 of NDPS Act would apply in the present case.

Consequently, finding no merit in the present petition, the same is, hereby, dismissed without observing anything on the merits of the case.

(JASGURPREET SINGH PURI)
JUDGE

February 21, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No