

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

223

CRM-M-7957-2022

Date of Decision : **March 02, 2022**

PARTAP SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. J.S.Sandhu, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.63 dated 26.5.2020 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station STF Phase-IV, Mohali (Headquarter at Mohali), District Ferozepur.

The learned counsel for the petitioner has submitted that in the present case as per the FIR there was a secret information that the petitioner was doing the work of selling Heroin for a long time and had buried a huge amount of Heroin under the sand near India-Pakistan border and the same can be recovered from the border and as per the secret information the present petitioner has links with the big Heroin smuggler in Pakistan and thereafter the recovery was made under the

sand near India-Pakistan border across the barbed wire near iron pillar No.218/11 near zero line, near kacha rasta. He submitted that the petitioner is in custody from 26.5.2020 and there is nothing on record to show as to how the petitioner was connected with the alleged recovery and it was only on the basis of secret information given by somebody.

On the other hand, the learned State counsel has submitted that there has been a huge recovery of 6 kgs 260 grams of Heroin which falls under the commercial quantity and it was recovered under the sand on the India Pakistan border and there was a secret information that the petitioner had concealed the same at that place. He submitted that the present FIR was lodged on 26.5.2020 and on the very next date i.e. 27.5.2020 the petitioner was caught red handed with 5 kgs of Heroin in another case. He further submitted that the petitioner is a habitual offender and, therefore, he does not deserve the concession of regular bail especially in view of the fact that he has been doing the trading of Heroin on the India-Pakistan border and furthermore the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act. He submitted that the place from where the recovery was made does not belong to the petitioner.

I have heard the learned counsels for the parties.

There has been a huge recovery of 6 kgs and 260 grams of Heroin from the India-Pakistan border near Zero line. As per the FIR, a secret information was received in which the petitioner has been specifically named. Apart from the same, after one day of the lodging of the present FIR, as per the learned State counsel, the petitioner was

caught red handed with another 5 kgs of Heroin. No ground has been made out by the petitioner by which any departure can be made from the bar contained under Section 37 of the NDPS Act.

In view of the aforesaid facts and circumstances, no ground is made out for the grant of regular bail to the petitioner.

Consequently, the present petition is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

March 02, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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