

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

203

CRM-M-8598-2021

Date of decision : 19.09.2022

Gurjant Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Anurag Chopra, Advocate for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.15 dated 20.12.2019 under Sections 21, 25, 29/61/85 of the NDPS Act registered at Police Station State Special Operations Cell, Amritsar.

Learned counsel for the petitioner contends that although it is alleged that 1 kg. heroin has been recovered from the person of the petitioner but the recovery itself is doubtful inasmuch as the petitioner is not named in the FIR and has been falsely implicated in this case. The petitioner is in custody for over 33 months and is not involved in any other case under the NDPS Act. The trial is not making any headway as only one witness has been examined so far although charges were framed on 05.02.2021.

The respondent/State has filed an affidavit wherein it is stated that recovery of 9 kg. heroin concealed in a yellow poly bag was effected from a car which belongs to the petitioner and was being driven by him. Upon the personal search of the petitioner, further recovery of 1 kg. heroin was effected

from the right pocket of his jacket. It is also stated that the memo of consent and recovery memo had been duly prepared at the spot. The recovery had been effected in the presence of a gazetted officer and a public witness. Custody certificate has been filed in Court which indicates that the petitioner is in custody for 02 years, 01 month and 16 days as on 09.02.2022.

Heard.

In view of the above especially when it is the second bail petition and a huge recovery of 10 kg. heroin has been effected from the car belonging to the petitioner and from his personal search, I do not find it appropriate to grant him the concession of regular bail. Consequently, the petition stands dismissed.

As the petitioner is in custody for over two and a half years, the trial Court is directed to expedite the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

September 19, 2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No