

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

222

CRM-M-10473-2022

Date of Decision : **March 16, 2022**

LOVEPREET SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.258 dated 31.8.2020 under Section 15 of NDPS Act, registered at Police Station Division No.8, Jalandhar.

It has been submitted by the learned counsel for the petitioner that the petitioner is a young boy of 19 years of age and he has clean antecedents and is not involved in any other case and he has been falsely implicated in the present case. He further submitted that the alleged recovery from the petitioner was 60 kgs of poppy husk and he is in custody from 31.8.2020 which is about 1½ years and two prosecution witnesses have already been examined.

On the other hand, the learned State counsel has stated that although the recovery was of 60 kgs of poppy husk and the same falls in the category of commercial quantity and the commercial quantity which

is 50 kgs under the NDPS Act. He further submitted that it is correct that the petitioner is not involved in any other case and two prosecution witnesses have already been examined.

I have heard the learned counsels for the parties.

Section 37 of NDPS Act provides for a bar for grant of bail in case the quantity is of a commercial nature. The petitioner has not been able to show any ground for making a departure from the bar contained under Section 37 of the NDPS Act. However, at the same time the custody of the petitioner is 1½ years and he is stated to be 19 years old but his case is hit by the bar contained under Section 37 of NDPS Act. Therefore, it will be in the interest of justice, to direct the trial Court to expedite the trial in the facts and circumstances of the present case.

Therefore, the present petition is, hereby, dismissed and the trial Court is directed to expedite the trial and conclude as expeditiously as possible.

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 16, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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