

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

CRM-M-11885-2021

Date of decision: 09.02.2022

Nirbhay Singh @ Nari

....Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S.Sandhu, Advocate for the petitioner
Mr. Sandeep Singh Mann, Addl. AG, Haryana

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

This is petitioner's second attempt to get bail pending trial in a criminal case arising from FIR No.187 dated 01.03.2018, registered under Section 21 and 22 of NDPS Act, 1985 and Section 18A, 18C, 27 of Drugs and Cosmetics Act 1940 registered at Police Station City Sirsa, District Sirsa, Haryana.

Learned counsel representing the petitioner contends that the first bail petition was dismissed as withdrawn on 18.09.2019. The order passed in the first bail petition reads as under:-

“The petitioner prays for regular bail in FIR No.187 dated 01.03.2018, registered under Sections 22 and 21 of the NDPS Act and 18-A, 18(C), 27 of Drugs and Cosmetics Act, 1940, at Police Station Sirsa City, District Sirsa.

Keeping in view the facts of the case, the Inspector General of Police, Hisar Range, Hisar was directed to examine the entire file with reference to the allegations made in the petition and file his affidavit after considering the recording on the compact disc submitted by the petitioner to the Investigating Agency. Affidavit by the Inspector

General of Police has been filed.

It has come on record that as per the allegations of the prosecution, the petitioner was present at the time of search and seizure and 366400 tablets containing intoxicated substance were recovered.

Learned State counsel has also informed that the petitioner is involved in two other cases of NDPS Act in the State of Punjab.

In view thereof, there is no ground to grant concession of regular bail to the petitioner.

Dismissed.”

It is evident that the learned counsel has tried to mislead the Court. It is also not in dispute that there is a huge recovery of prohibited substances under the Narcotic Drugs and Psychotropic Substances Act, 1985 in the present case. As per the order dated 18.09.2019 the petitioner is also involved in two other cases under the Narcotic Drugs and Psychotropic Substances Act, 1985, in the State of Punjab. Hence, no ground to grant concession of bail is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

09.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE