

Kulbir Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.143 dated 11.12.2020 under Sections 22-C and 25 of NDPS Act, 1985 registered at Police Station Sadar Moga, District Moga, who apprehends his arrest at the hands of Police.

On 22.09.2021, this Court had passed the following order:-

“ The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner refers to orders dated 01.09.2021 passed in CRM-M No.6156 of 2021 titled Sandeep Ram @ Golu Vs. State of Punjab and CRM-M No.8585 of 2021 titled Satpal Vs. State of Punjab to contend that in case of recovery of 309.05 grams of tramadol, interim bail has been granted by the Co-ordinate Bench by treating the same to be marginally in excess of commercial quantity. Those cases are fixed for 07.01.2022.

Having perused the aforesaid orders dated 01.09.2021 passed in the aforesaid cases, I deem it

appropriate to grant interim bail to the petitioner on his furnishing adequate bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate/Concerned Duty Magistrate till 31.12.2021.

Adjourned to 10.01.2022.”

Learned counsel for the petitioner has submitted that since the recovered contraband (300 grams intoxicant powder and 7 injections containing intoxicant substances) is marginally above the non-commercial quantity (250 grams), therefore, he be released on bail as the trial is likely to take considerable time to conclude. In support of his prayer, learned counsel has placed reliance upon **‘Simranjit Kaur @ Madhu Vs. State of Punjab’** (2011) 4 AICLR 70, **‘Harbhajan Singh alias Lalli Vs. State of Punjab’** (2014) 2 DC(Narcotics) 238, **‘Kuldeep Singh alias Pardesi Vs. State of Punjab’** (2016) 4 LawHerald 3483, **‘Sukhwinder Singh @ Sukha Vs. State of Punjab’** (2018) 1 LawHerald 348.

Learned State counsel assisted by HC Yadwinder Singh has produced the custody certificate by way of affidavit of Rajiv Kumar Arora, PPS, Additional Superintendent, Central Prison Faridkot, which reveals that the petitioner is undertrial in a similar case i.e. FIR No.33 dated 24.04.2019 registered under Section 21 of NDPS Act and prays for dismissal of the petition as the recovered quantity of heroin is commercial in nature.

After hearing the learned counsel for the parties, this Court finds that though the interim regular bail was granted to the petitioner on the strength of the order dated 01.09.2021 passed in some other case, which has no relevance with the present FIR, but here it is necessary to note that the extraordinary concession of interim regular bail can not be granted to an

accused in routine manner in absence of any exceptional ground. This

concession can only be granted to an accused, if there exists some unforeseen emergency like illness of accused, bereavement in family or any other such circumstance, but this relief cannot be granted as solace or interim measure, particularly when no such ground is specifically raised by the accused.

Further, the decisions relied upon by learned counsel for grant of bail to the petitioner are not applicable in the present case, as in most of the cases, accused therein were not involved in other case of similar nature, whereas in the present case, it is apparent from the custody certificate that the petitioner was released on bail in case FIR No.33 dated 24.04.2019 registered under Section 21 of NDPS Act and thereafter, he allegedly committed the same crime.

Thus considering above background, nature of offence and quantity of contraband, no case is made out for releasing the petitioner on bail, the petition is dismissed. It is further directed that the petitioner shall surrender before the trial Court.

(MANOJ BAJAJ)
JUDGE

08.03.2022

geeta

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