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

**CRM-M-12393-2022
Date of Decision: 30.03.2022**

Mohd. Asif @ Sunny @ Miya Petitioner
Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Sandeep Singh Deol, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in FIR No.74, dated 01.05.2021 under Sections 15 & 29 of the N.D.P.S. Act, 1985, registered at Police Station Bhawanigarh, District Sangrur.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 01.05.2021 and the investigation of the case has already been completed and the Police has already presented the Challan under Section 173 of the Cr.P.C. before the competent Court. As per the FIR, the petitioner along with other co-accused was apprehended with 60 kgs. of *Poppy Husk* from the Car, which is marginally above the commercial quantity as defined under the provisions of the N.D.P.S. Act.

On the other hand, Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab has submitted that the case of the petitioner is hit

by the bar contained under Section 37 of the N.D.P.S. Act. He further submitted that although the petitioner is in custody from the last 11 months but he had been caught along with other co-accused on the spot on the basis of a secret information and there is no ground available with the petitioner for seeking a departure from the bar contained under Section 37 of the N.D.P.S. Act.

I have heard the learned counsel for the parties.

The alleged recovery was from the car in which the petitioner was traveling and the recovered quantity was of a non-commercial quantity i.e. 60 kgs. of *Poppy Husk*. The petitioner has not been able to make out any ground for making a departure from the bar contained under Section 37 of the N.D.P.S. Act, therefore, the petitioner is not entitled for the grant of regular bail, consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

30.03.2022

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |