

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

205

CRM-M-18346-2022

Date of Decision :09.05.2022

Akash Mishra

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ish Puneet Singh, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.31 dated 28.05.2019 registered under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'NDPS Act') at Police Station Aur, District SBS Nagar.

Learned counsel for the petitioner argues that in the present case, the petitioner is behind the bars for the last almost two years and ten months and as the trial is likely to take some time before it concludes, the petitioner may kindly be granted the concession of regular bail.

Learned State counsel submits that in the present case, a commercial quantity of the contraband has been recovered from the petitioner and, therefore, keeping in view the rigors of Section 37 of the NDPS Act, 1985 the prayer of the petitioner for the grant of regular bail

may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As per the allegations alleged in the FIR, the contraband was placed in between the driver of the motorcycle and the petitioner, who was the pillion rider, though, as per the allegations same was thrown on the road after witnessing the police party. Learned counsel for the petitioner has not been able to convince this Court, as to why, if the petitioner did not had the knowledge about the contents of the said bag, the same was kept by the petitioner, especially when petitioner claims that the said bag did not belong to him. It is a conceded position tha contraband was recovered from the said bag, which quantity is commercial in nature.

Keeping in view the facts and circumstances of this case, the petitioner has not been able to cross the rigors as imposed by Section 37 of the NDPS Act. Merely on the ground of custody undergone, the petitioner, from whom a commercial quantity of banned drug has been recovered, cannot be granted concession of regular bail.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 09, 2022
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No