

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-20879 of 2022

Date of Decision: 19.05.2022

Bobby

... Petitioner(s)

Versus

The State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gourave Bhayyia, Advocate
for the petitioner(s).

Mr. Nikhil Chopra, Additional Advocate General,
Punjab, for the respondent.

Anil Kshetarpal, J.

1. This is petitioner's third attempt for grant of regular bail to him, pending trial, in FIR No. 56 dated 29.04.2020, registered under Section 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station STF Wing, District S.A.S.Nagar (Mohali),

2. The first petition, filed by the petitioner, for grant of regular bail was dismissed on 03.11.2020 with the following order:

“The petitioner prays for bail pending trial in a criminal case arising from FIR No.56, dated 29.04.2020, registered under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to be referred as “the Act of 1985”), at Police Station Special Task Force (STF) Phase-4, SAS Nagar, Mohali.

present petitioner, Arjun Rai and Kashmiri, were apprehended with 810 grams heroin.

Learned counsel for the petitioner contends that the recovery is from the storage space in a scooter and, therefore, the petitioner cannot be said to be in conscious possession of the narcotics.

On the other hand, Mr. Luvinder Sofat, AAG, Punjab, has contended that in view of the statutory presumption, the petitioner cannot feign ignorance.

This Court has considered the submissions and perused the paper book.

The recovery in the present case falls in the category of commercial quantity. On completion of investigation, the challan has already been presented in the trial court.

Without commenting on the merits of the case, no ground to grant bail to the petitioner is made out keeping in view the rigors of Section 37 of the Act of 1985.

Accordingly, the present petition is dismissed”.

3. The learned counsel representing the petitioner draws the attention of the Court to the order passed by a co-ordinate Bench in ***Heena v. State of Punjab (Criminal Misc. No. M-8099 of 2022, decided on 27.04.2022)***. It has been pointed out that the petitioner’s co-accused, namely Heena has been granted the concession of regular bail. This Court has examined the copy of the order dated 27.04.2022, which has been produced as Annexure P2. It is evident that the Court was not apprised of the correct

facts. The alleged recovery, in the present case, is of 810 grams of heroin, which falls in the commercial category.

4. Mr. Nikhil Chopra, Additional Advocate General, Punjab, has pointed out that the petitioner's co-accused, namely Heena has been apprehended only on the basis of disclosure statement of the co-accused.

5. Keeping in view the aforesaid facts, no ground is made out to grant the concession of regular bail to the petitioner. Hence, the present petition is dismissed. However, the trial Court is directed to make a sincere endeavour for expeditious disposal of the trial.

(Anil Kshetarpal)
Judge

May 19, 2022
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No