

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22991-2021
Reserved on: 29.03.2022
Pronounced on: April 22nd 2022

Satnam Singh @ Sonu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arun Singal, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0101	10.04.2021	Patran Distt. Patiala	15 of NDPS Act.

1. The petitioner, incarcerated since April 10, 2021, upon his arrest for allegedly possessing a commercial quantity of poppy straw, in violation of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act), has come up before this Court under Section 439 of CrPC, seeking bail.
2. In paragraph 13 of the bail application, the accused declares no criminal antecedents.
3. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. While opposing the bail, the contention on behalf of the State is that the quantity of contraband involved in the case falls in the commercial category.

REASONING:

5. Based on the prior information, the police had recovered four bags, each containing 13 kg of poppy husk, from the boot of the Skoda car of the petitioner. Ld. counsel states that the weight of four bags is included in the weight of poppy husk. As such, if the weight of the bags is deducted, then the quantity would fall below commercial. A perusal of the FIR reveals that the weight of the poppy husk measured 52 kgs as per the prosecution. Be that as it may, for the sake of the arguments, even if it is presumed that the quantity was marginally lower than the commercial quantity, still, the petitioner does not have an absolute right to be released on bail. The recovery

is from the Skoda car belonging to the petitioner. The custody is just for a year, which cannot be termed as prolonged, considering the quantity involved, where the sentence could extend up to 10 years. The grounds taken in the bail petition do not make a case for bail at this stage.

6. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage. However, it shall be open for the petitioners to file new bail application(s) in changed circumstances or after recording the statements of witnesses other than formal witnesses, whichever is earlier. If the statements mentioned above are not recorded within six months, the petitioner may file a fresh bail petition on the grounds of prolonged custody. The dismissal of this petition shall not come in the way while considering the fresh petition(s).

7. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

April 22nd, 2022
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Whether speaking/reasoned: Yes
Whether reportable: No.