

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209

CRM-M-23996 of 2022

Date of decision :02.06.2022

Paramjit Singh alias Pamma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. P.S.Walia, AAG, Punjab,
for the respondent-State.

SUVIR SEHGAL, J.

This is the third petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, (for short - 'the Code'), seeking grant of regular bail in FIR No.214 dated 05.10.2020 registered for offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – “the NDPS Act”) at Police Station Bhogpur, District Jalandhar (Rural).

FIR, Annexure P-1, has been registered when on the basis of a secret information, a truck was intercepted on a highway and 10 bags containing poppy husk weighing 20 kilograms each, were recovered. On search of the vehicle, it was also found to be carrying 1260 boxes of apples and the contraband was found hidden near the cabin of the truck.

Counsel for the petitioner has contended that the petitioner, who was neither travelling on the truck, nor involved in any criminal activity, has been falsely implicated. He urges that despite the fact that the FIR was registered in October, 2020, trial is progressing at a very slow pace and the petitioner, who is languishing behind bars for the last more than 01 year and 07 months, deserves to be enlarged on bail.

Per contra, learned State counsel upon instructions, has opposed the petition by inviting the attention of this Court to the bar contained in Section 37 of

the NDPS Act. He submits that co-accused, Gurpreet Singh, was driving the truck and Paramjit Singh, present petitioner, was sitting besides him. As per his information, the ownership of the truck is in the name of the co-accused and both the accused were apprehended at the spot.

Having heard counsel for the parties, this Court is of the view that the petitioner is not entitled to be released on bail. The truck from which contraband has been recovered was coming from the State of Jammu and Kashmir with a consignment of apples and the contraband, which was in ten bags was found hidden near the cabin of the vehicle. Six bags were recovered from behind the driver seat and four bags were found hidden on the top of the cabin. The petitioner, who was sitting in the cabin, cannot claim that he was not aware of the contraband being transported in the truck. Commercial quantity of prohibited substance has been recovered from the vehicle, thereby attracting provisions of Section 37 of the NDPS Act. Mere fact that the trial is likely to take time to conclude or that the petitioner has clean antecedents is not enough to exercise the discretion in his favour in the face of stringent provision under Section 37 *ibid*.

The previous two petitions preferred by the petitioner were withdrawn after arguments in October, 2021 and February, 2022. Instant petition has been filed within four months of the dismissal of the previous petition, without there being any change in the circumstances.

Finding no merit in the petition, it is hereby ordered to be dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

02.06.2022
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No