

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

214

CRM-M-28260-2021 (O&M)

Date of decision: 09.03.2022

BIKRAMJIT SINGH @ VIKRAMJIT SINGH @ VICKY @ WORLD

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.175 dated 27.09.2019, registered under Sections 21, 22, 25 and 29 NDPS Act; challan presented under Sections 22, 25 and 29 NDPS Act; Section 25 Arms Act; Sections 420, 465, 468, 471, 120-B IPC and Section 12 of Passport Act, 1920, at Police Station Sadar Kapurthala.

Learned counsel for the petitioner submits that, as per the prosecution, on the basis of a secret information, naka was laid and the petitioner along with the co-accused were apprehended at the spot and that the alleged recovery of 50 injections of Buprenorphine IP Rexogesic 2 ml each, from the car make I-20 bearing No.PB-02-DV-6641, along with one pistol without make black colour and 5 live cartridges 7.65 kf, from the petitioner, was effected. He further submits that the ingredients of IPC or Passport Act are not made out against the petitioner and the co-accused and that the petitioner has been in custody since 27.09.2019.

In support of his contentions, learned counsel for the petitioner relies upon the judgment passed by a Coordinate Bench of this Court in CRM-M-7728-2018 titled Suraj @ Saroj vs. State of UT Chandigarh, decided on 28.02.2018.

On the other hand, learned State counsel, while opposing the prayer for grant of regular bail to the petitioner, does not dispute the custody period of the petitioner. He, however, submits that the recovery effected in the present case falls under a commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of a commercial quantity. He further submits that the petitioner is a habitual offender with criminal antecedents, inasmuch as, there are many more FIRs registered and/or pending against him.

I have heard the learned counsel for the parties.

The recovery of contraband falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity. Moreover, enlarging the petitioner on bail would be a threat to the security of the society at large, as keeping in view his criminal antecedents, he might involve himself in many more criminal activities.

Keeping in view the above, no ground is made out to grant the concession of regular bail to the petitioner.

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

09.03.2022

Aman Jain

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No