

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(225)

CRM-M-30456-2022
Date of decision:- 09.11.2022

Saraj Singh @ Shammy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Hoshier Singh, Advocate for the petitioner.

Mr. Jasmanpreet Singh, DAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No.76 dated 14.07.2019, registered for offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”), at Police Station Mamdot, District Ferozepur, Annexure P-1.

Heard counsel for the parties.

Petitioner, who was riding a motorcycle, was intercepted on suspicion and 1400 capsules were recovered from him. As per report received from FSL, 1100 capsules were found to be containing salt Tramadol Hydrochloride, which was found to be weighing 367.76 grams.

Counsel for the petitioner has not been able to explain the possession of such huge quantity of contraband. Just because he has been in incarceration for more than three years will not advance his case as he is

involved in two other criminal cases, out of which he has been convicted in FIR No.100 dated 26.12.2015 under Sections 21 and 22 of the NDPS Act lodged at Police Station Lakhoke Behram, District Ferozepur.

The twin conditions laid down under Section 37 are not satisfied. Hon'ble Supreme Court in *Union of India (NCB) Etc. Versus Khalil Uddin etc. Law Finder Doc Id #2054704* has held that in the face of mandate of Section 37 of the NDPS Act, High Court could not and ought not release the accused on bail. Furthermore, the earlier two petitions, preferred by the petitioner, were withdrawn, after arguments, in September, 2021 and March, 2022. There is no change in the circumstances and the third petition within a few months of the dismissal of the earlier one cannot be entertained.

Petition is *sans* merit and is hereby dismissed.

However, considering the length of custody of the petitioner, Trial Court is requested to make an endeavour and conclude the trial as expeditiously as possible.

(SUVIR SEHGAL)
JUDGE

09.11.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No