

CRM-M-40385 of 2021

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-40385 of 2021
Date of decision:14.02.2022

Rahul Gill @ Raghu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vinod Kumar Kaushal, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

This is the second petition filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.28 dated 26.04.2019 registered under Sections 21, 25, 27, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”) at Police Station Special Task Force, District STF Wing (SAS Nagar) Mohali (Annexure P-1).

Status report by way of an affidavit of Deputy Superintendent of Police, Special Task Force, Border Range, Amritsar has been filed in compliance of the order dated 11.11.2021, which is taken on record.

Custody certificate dated 12.02.2022 has been filed, which is taken on record.

As per the custody certificate, the petitioner has criminal past. Eight different FIRs have been registered against him, besides present one, for commission of offences under NDPS Act, Prison Act and Excise Act. He has been convicted in the ninth case registered against him under the Excise Act.

Recovery of 300 grams of heroine has been effected from the accused, which falls within the ambit of commercial quantity under the NDPS Act and bar under Section 37, *ibid*, is attracted.

In view of the above, the petitioner cannot be released on bail during the pendency of the trial.

Petition is dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 14, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No