

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

215

Date of Decision: 16.11.2022

(i)

CRM-M-40097-2022

Nimmo

.... Petitioner

Versus

State of Punjab

.... Respondent

(ii)

CRM-M-41525-2022

Jaswant Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

(iii)

CRM-M-42415-2022

Yudhvir @ Vicky

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Maninder Singh Saini, Advocate
for the petitioner(s) in CRM-M-40097-2022 and
CRM-M-41525-2022.

Mr. Dinesh Nagar, Advocate
for the petitioner in CRM-M-42415-2022.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petitions under Section
439 of the Code of Criminal Procedure, 1973 for grant of regular bail in

case FIR No.24 dated 01.04.2022 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Aur, District Shaheed Bhagat Singh Nagar.

Brief facts of the case are that on 01.04.2022 when police party headed by ASI Dalbir Singh going from village Kariha to Aur for doing patrolling duty, at about 4:00 pm. they saw two ladies (Nimmo and Jaswant Kaur) coming from Phillaru to Chakdana side and on seeing the police party, they immediately turned back towards Phillaur side. Jaswnat Kaur gave her purse to Nimmo, who threw one transparent polythene from the said purse on the side of the road. The police apprehended them and on search of the polythene bag, thrown by Nimmo, 280 grams of heroin was recovered. The police also arrested Kamaljit Ram, husband of Jaswant Kaur, who disclosed the name of Yudhvir @ Vicky as supplier of the heroin to his wife.

Learned counsel for the petitioners-Nimmo and Jaswant Kaur has argued that the petitioners have been falsely implicated in the present case. The petitioners have noting to do with the alleged recovery. The recovery was effected from the public place in a day time, however, no independent witness was joined by the police at the time of recovery. The petitioners-Nimmo and Jaswant Kaur are in custody since 01.04.2022.

Learned counsel for petitioner-Yudhvir @ Vicky has argued that the petitioner is not named in the FIR and has been falsely implicated

on the basis of disclosure statement of co-accused Kamaljit Ram which is a very weak type of evidence. At the time of alleged recovery, petitioner-Yudhvir @ Vicky was lodged in Central Jail, Kapurthala in case FIR No.284 dated 17.09.2018 then how can he supplied the alleged contraband to co-accused Jaswant Kaur. The petitioner-Yudhvir @ Vicky is in custody since 21.09.2022.

Learned counsel for the petitioners further submit that the trial is likely to take long time. No useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioners may be released on regular bail.

Per contra, learned State counsel opposed the present petitions on the ground that petitioners-Nimmo and Jaswant Kaur were found in a conscious possession of 280 grams of heroin without any license or permit. Co-accused Kamaljit Ram, husband of Jaswant Kaur, on his disclosure statement stated that petitioner-Yudhvir @ Vicky, who was lodged in Central Jail, Kapurthala, used to supply the contraband to his wife through some other person. The alleged recovery falls under the category of commercial quantity. Therefore, the present petitions may be dismissed.

I have heard learned counsel for the petitioners as well as the learned State counsel and gone through the paperbook.

The Hon'ble Apex Court in case *State of Punjab Vs. Baldev Singh : 1999 AIR SC 2378* has observed regarding Drug Addiction, Drug

abuse and its effect on the society. The Hon'ble Apex Court in Para No.3
has observed as under:-

“3. Drug abuse is a social malady. While drug addition eats into the vitals of the society, drug trafficking not only eats into the vitals of the economy of a country, but illicit money generated by drug trafficking is often used for illicit activities including encouragement of terrorism. There is no doubt that drug trafficking, trading and its use, which is a global phenomena and has acquired the dimensions of an epidemic, affects the economic policies of the State, corrupts the system and is detrimental to the future of a country. It has the effect of producing a sick society and harmful culture. Anti-drug justice is a criminal dimension of social justice. The United Nations Conventions Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances which was held in Vienna, Australia in 1988 was perhaps one of the first efforts, at an international level, to tackle the menace of drug trafficking throughout the comity of nations. The Government of India has ratified this convention.”

Keeping in view the facts and circumstances of the case, evidence against the petitioners, the fact that the alleged contraband recovered falls under the category of 'commercial' quantity which attracts rigors of Section 37(1)(b) of the NDPS Act, I am of the considered view that the petitioners do not deserve the concession of regular bail.

In view of the above, the present petitions are dismissed.

16.11.2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No