

CRM-M-44751-2021

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

CRM-M-44751-2021 (O & M)

Date of decision: 04.04.2022

Mohammad Shakir @ Rehman

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.G.S.Saini, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this fourth petition, the petitioner seeks regular bail in case bearing FIR No.12 dated 08.08.2020, registered at Police Station Sector-9, Ambala City, District Ambala, under Sections 21,22 and 29 NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and rather has been indicted on the disclosure statement of co-accused, Sanjay Kumar; that the petitioner has been in custody since 22.09.2020, and that out of 16 prosecution witnesses, none has been examined so far. On this premise, learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that the recovery of intoxicant injections effected in the present case, falls in the commercial quantity; that the petitioner is a habitual offender and that there

are three more FIRs registered or pending against the petitioner.

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I have heard the learned counsel for the parties.

This is the fourth petition for the grant of regular bail to the petitioner, the earlier three were dismissed as withdrawn on 15.12.2020, 19.03.2021 and 18.08.2021.

As per the prosecution version, the petitioner had sold the contraband in question i.e. 50 vials of Avil 10 ML and 50 vials of Buprenorphine Injection IP (Leejesic) to the co-accused, who was found possessing the same.

Indisputably, the aforesaid recovery of vials containing Buprenorphine salt, falls in 'commercial quantity'. Section 37 NDPS Act, 1985 bars the grant of bail to the accused in cases involving 'commercial quantity'. Moreover, the petitioner is also involved in three others FIRs of similar nature. He seems to be a habitual offender having repeated and continuous criminal antecedents.

In view of the above, I do not find any merit in the present petition.

Dismissed.

04.04.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No