

CRM-M-46770-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46770-2021
Reserved on: 10.01.2022
Pronounced on: 04.02.2022

Dalbir Singh @ Beeru ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ankur Malik, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
142	15.07.2020	Nangal, District Rup Nagar	15 of NDPS Act

1. The petitioner, incarcerating upon his arrest has come up before this Court seeking regular bail under Section 439 CrPC, for possessing a commercial quantity of poppy husk, in violation of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act).
2. In paragraph 15 of the petition, it is declared that the accused has no criminal history.
3. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. While opposing the bail, the contention on behalf of the State is that drug menace is rapidly increasing.

REASONING:

5. The quantity of poppy husk allegedly recovered from the temporary fuel tank of the truck allegedly possesses by the petitioner was 105 kg. Quantity of poppy husk greater than 50 kg falls in the category commercial quantity.
6. In the present case, since the alleged quantity of the contraband recovered from

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the main accused falls in commercial quantity, the burden is on the petitioner to satisfy the twin conditions put in place by the Legislature under Section 37 of the NDPS Act, which he has failed to do. The grounds taken in the bail petition and discussed above, do not shift the burden placed by the legislature on the accused under S. 37 of the NDPS Act. Thus, the petitioner has failed to make out a case for bail.

7. Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

February 04, 2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No