

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

214

CRM-M-49299 of 2021  
Date of decision:07.09.2022

Nanak Singh

... Petitioner

Vs.

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Deep Singh, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

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**SUVIR SEHGAL J.**

This is the second petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.114 dated 23.04.2021 registered under Section 21 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short “the NDPS Act”) at Police Station Civil Line Sirsa, District Sirsa, Annexure P-1.

Heard counsel for the parties.

A car with three occupants was intercepted on suspicion and 900 grams of heroin was found in a cloth bag in its dash-board. Amandeep Singh was driving the vehicle, while Gurmeet Singh and Nanak Singh, present petitioner, were the other two occupants of the vehicle. During interrogation, accused disclosed that they had purchased

the intoxicating substance from a Nigerian in New Delhi. Recovery effected from the vehicle falls within the ambit of commercial quantity under the provisions of NDPS Act. Petitioner cannot claim that he was not aware that contraband was being carried in the car. Mere fact that the petitioner has been in custody for more than one year and has clean antecedents or that the trial is likely to take time to conclude is not enough to exercise discretion in his favour in the face of stringent provision under Section 37 of the NDPS Act.

Petition is without any merit and is hereby 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.

07.09.2022  
*sheetal*

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |