

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

CRM-M-52556-2021(O&M)

Date of decision:-10.2.2022

Darshan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

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

Mr.S.S. Pannu, DAG, Haryana.

H.S. MADAAN, J.(ORAL)

Case taken up through video conferencing.

Reply filed on behalf of the State be taken on record.

This third petition for regular bail has been filed by petitioner – Darshan – an accused in FIR No.7 dated 22.1.2020, under Section 22/61 of NDPS Act, registered with Police Station Rori, District Sirsa. The first petition filed by him bearing CRM-M-15585-2020 was withdrawn by the petitioner and it was dismissed as such vide order dated 1.7.2020. Thereafter, he along with his co-accused Amrik Ram had filed separate petitions for grant of regular bail, which were dismissed vide a detailed consolidated order dated 17.8.2021, copy of which is available on record as Annexure P3. Now the petitioner Darshan has approached this Court again by filing third petition for grant of regular bail, which request is being opposed by the State counsel.

Briefly stated, the facts of the case, as per prosecution story

are that on 22.1.2020, a police party while being present in the area of canal bridge of village Rori, District Sirsa in connection with patrolling had apprehended accused Darshan and found him in possession of 1600 Tramadol Hydrochloride Tablets 100 mg., Batch No.TDP 19022, MFG. DATE AUG-2019 and EXP. DATE JUL.2022. Formal FIR in the matter was registered. The recovered contraband was taken into police possession. During the course of investigation, accused Darshan was interrogated and he disclosed that he had procured the recovered tablets from Amrik Ram, as such Amrik Ram was nominated in this case. He was also arrested on 11.2.2020.

I have heard learned counsel for the parties besides going through the record.

The second petition was dismissed giving reasoning in detail that the contraband recovered from the petitioner amounts to commercial quantity attracting bar of Section 37 of the NDPS Act and there was no reason to record the satisfaction as required by that section that there are reasonable grounds for believing that petitioner was not guilty of such offence and was not likely to commit any offence while on bail.

The contentions put forward by learned counsel for the petitioner including petitioner being behind bars for a long period of about 1 year and 6 months were also taken into consideration.

After dismissal of the petition on 17.8.2021, there has not been any noticeable change in circumstances.

Learned counsel for the petitioner has contended that in a case of commercial quantity bearing Crime No.32 dated 29.6.2019, under

Sections 8, 20 and 29 of NDPS Act registered with NCB Zonal Unit, Chandigarh, arising out of FIR No.32 dated 29.6.2019, a Co-ordinate Bench has granted concession of bail to the petitioner/accused Vipin Sood vide order dated 25.2.2021. May it be so, any order passed by a Co-ordinate Bench in a different case does not help the petitioner in seeking bail for that very reason. The facts and circumstances of that case were entirely different and Section 37 of NDPS Act is not shown to have been brought to the notice of that Bench. Therefore, petitioner cannot get any help from that order.

Therefore, finding no merit in the petition, the same stands dismissed.

10.2.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No