

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

CRM-M-1603-2023

Date of decision : 23.02.2023

Ashok Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S.Sekhon, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.223 dated 01.12.2020 under Section 22-C Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Garh Shankar, District Hoshiarpur, who is in custody since his arrest on 01.12.2020.

The allegations in the FIR as noticed by the learned Judge, Special Court, Hoshiarpur in the order dated 29.07.2021 are as under:-

“Brief facts relevant for disposal of the present bail application are that on 1.12.2020, present applicant/accused was apprehended by the police and during the search of accused, 290 injections of Bupernorphine of 2/2 ml.each mark Leegesic, and 410 injections of Bupernorphine of 2/2 ml.each Marka Rexogestic and 650 injections of Avil Maleate of 10/10 ml each were recovered from the accused.”

Learned counsel for the petitioner has argued that alleged

contraband was recovered from the dicky of the car and petitioner is not the owner of the said vehicle. According to him, after framing of charges on 03.09.2021, only three prosecution witnesses have been examined so far out of total ten witnesses. He prays for bail.

While opposing the prayer, learned State counsel who is assisted by SI Rakesh Kumar submits that the quantity recovered from the petitioner falls within the ambit of commercial quantity and he was arrested on the spot, therefore, the petitioner does not deserve the concession of regular bail. She has produced the custody certificate filed by way of affidavit of Anurag Kumar, Superintendent of Central Jail, Hoshiarpur to contend that petitioner is involved in two more cases of similar nature. She prays for dismissal of the petition.

After hearing learned counsel for the parties and considering the above background, this Court finds that the petitioner is embroiled in other cases of similar nature, therefore, considering the nature and quantity of the contraband, this Court at this stage is not inclined to extend the concession of regular bail to him.

Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for releasing the petitioner on regular bail.

Petition is dismissed.

23.02.2023
vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No