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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

\*\*\*\*

CRM-M-4807-2023

Date of Decision: 06.02.2023

Sumit Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Parvesh Sachdeva, Advocate,  
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (ORAL)**

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.23, dated 24.04.2022, under Sections 21/29/61/85 of the NDPS Act, registered at Police Station Amir Khas, District Fazilka.

The petitioner had earlier filed a petition for grant of regular bail which he had withdrawn on 06.12.2022 and the present successive bail petition has been filed on 27.01.2023, which is just after 1½ months. Learned counsel for the petitioner has not been able to show any change of circumstance, apart from the fact that the alleged recovery was 260 grams of *Heroin* from the petitioner which falls in the category of commercial quantity under the NDPS Act and the petitioner has not been able to make out any ground for departure from the bar contained under Section 37 of the NDPS

Act. Therefore, this Court is of the view that no ground is made out to grant regular bail to the petitioner.

Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.02.2023

(JASGURPREET SINGH PURI)  
JUDGE

*Bhumika*

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |