

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-11557-2023

Date of Decision:-20.03.2023

Krishna Mandal.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Dr. Govinder Singh Brar, Advocate for the Petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.359 dated 08.10.2021 under Sections 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act later on added) registered at Police Station Sohana, District SAS Nagar, Mohali.

2. The brief facts of the case are that secret information was received that Krishna Mandal (petitioner) and Mandeep Singh were indulging in the business of selling opium in the area of Mohali and Chandigarh and would be coming on their vehicle a white Innova, from Kharar side towards Banur in order to supply the contraband to their customers. If a *naka* was laid they can be arrested with a heavy quantity of opium.

Based on the aforementioned facts, the instant FIR came to be registered and subsequently thereto the recovery of 04 Kgs of opium was

effected from the vehicle.

3. The Counsel for the petitioner contends that the entire prosecution case against the petitioner cannot be believed. In fact the recovery has been planted upon him and his co-accused. Since the petitioner was in custody since 08.10.2021, he was entitled to the grant of bail.

4. The Counsel for the State on the other hand contends that the commercial quantity of contraband has been recovered from the petitioner. Therefore, in view of the bar contained under Section 37 of the NDPS Act, the petitioner was not entitled to the grant of bail. In addition he contends that this is the 5th bail application of the petitioner, the last one having been withdrawn on 13.01.2023. There are no change of circumstances entitling the petitioner to the grant of bail.

5. I have heard the Counsel for the parties.

6. Admittedly, the contraband had been recovered from the petitioner and his co-accused. Therefore, in view of the bar contained under Section 37 of the NDPS Act, the petitioner is not entitled to the grant of bail. Even otherwise, the present is the 5th bail application of the petitioner, the last one having been withdrawn on 13.01.2023. No change of circumstances have been pointed out by the petitioner entitling him to the grant of bail.

7. In view of the above, I find no merit in the present petition and therefore the same is dismissed.

(JASJIT SINGH BEDI)
JUDGE

March 20, 2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>