

CRM-M-13807-2023 (O&M)

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223

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

CRM-M-13807-2023 (O&M)

Date of Decision: 23.03.2023

Tajinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Azad Khan, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

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.223, dated 15.12.2021, under Sections 21-C, 25 & 29 of the NDPS Act, registered at Police Station STF Wing, District Special Task Force, SAS Nagar, Mohali.

Learned counsel for the petitioner has submitted that the petitioner is in custody for about 1 year and 2 months and he is not involved in any other case. He further submitted that the alleged recovery was not effected from the personal search of the petitioner but from the car in which he was travelling and he had taken lift in the car and he has been falsely implicated in the present case, and therefore, he may be considered for grant of regular bail.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab

submitted that on the basis of a secret information, a car was intercepted and three persons including the present petitioner were found in the car and there was a recovery of 306 grams of *Heroin* from the conscious possession of the accused persons and the aforesaid recovery falls in the category of commercial quantity under the NDPS Act and therefore, the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act and the learned counsel for the petitioner has not been able to make out any ground for making a departure from the aforesaid bar and has prayed for dismissal of the present petition.

I have heard the learned counsel for the parties.

Although the custody of the petitioner is 1 year and 2 months and as per the allegations, he was sitting on the rear side of the car and there has been a recovery of 306 grams of *Heroin*, which falls in the category of commercial quantity under the NDPS Act. Learned counsel for the petitioner has not been able to make out any ground for making a departure from the bar contained under Section 37 of the NDPS Act.

Consequently, finding no merit in the present petition, the same 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.

23.03.2023

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

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