

CRM-M-16680-2023 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(217)

CRM-M-16680-2023

Date of decision:- 15.11.2023

Arjan Singh @ Arjun Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. G.S.Verma, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
140	27.06.2022	STF Phase-4, Mohali, District SAS Nagar (Punjab)	21, 22-C and 29 of the NDPS Act (later on Section 25 of the NDPS Act was added)

2. Case of the prosecution is that the above mentioned FIR has been registered on the basis of secret information that Harpreet Singh @ Bobby, Arjan Singh @ Arjun Singh, present petitioner and Vishal alias Vinay are actively indulging in sale of intoxicant substance, Amphetamine. Further information was received that Vishal @ Vinay supplies the contraband to Harpreet Singh @ Bobby and Arjan Singh @ Arjun Singh and they are travelling on a motorcycle with the contraband. A police barricade was set

CRM-M-16680-2023

-2-

up, motorcycle, driven by Harpreet Singh @ Bobby, was intercepted and recovery of a bag with 2 kg Amphetamine was effected from Arjan Singh @ Arjun Singh, present petitioner, who was sitting on the pillion of the two wheeler.

3. Counsel for the petitioner contends that the mandatory provisions of the NDPS Act have not been complied with at the time of search and seizure. He submits that as the investigation qua the petitioner has been completed and as the trial is not likely to conclude in the near future, petitioner deserves to be released on bail.

4. Opposing the petition, State counsel has made a reference to the status report filed by the Deputy Superintendent of Police, Special Task Force, Ludhiana Range, Ludhiana and submits that a massive recovery of contraband has been effected and the petitioner does not deserve to be released on bail, more so, in the light of the bar under Section 37 of the NDPS Act.

5. Having heard counsel for the parties, this Court is of the view that the prayer made in the petition deserves to be declined. As per the status report filed by the respondent-State, on the basis of confessional statement of the accused, 18 kg 800 grams Amphetamine was recovered from the residence of Vishal @ Vinay and another recovery of 9 kg 400 grams was effected on the basis of his disclosure statement. Tanesh Gupta @ Tanu, was arraigned as an accused on the basis of statement of the apprehended accused, but he is absconding. A total recovery of 30 kg 200 grams of Amphetamine, containing chemical "Methamphetamine", has been effected. In view of the huge commercial quantity of contraband recovered,

CRM-M-16680-2023 -3-

rigor of Section 37 of the NDPS Act will apply and the petitioner does not deserve to be released on bail.

- 6. Finding no merit in the petition, it is hereby dismissed.
- 7. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

15.11.2023 (SUVIR SEHGAL)
Kamal JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No