

CRM-M-16431-2023

2023:PHHC:086018

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16431-2023

Decided on: 07.07.2023

Gulab

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Surender Pal, Advocate
for the petitioner.

Ms. Harpreet Kaur, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.024 dated 16.01.2021, under Sections 20, 61, 85 of the NDPS Act, registered at Police Station Tosham, District Bhiwani.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 16.01.2021, which is almost 2 years and 6 months and the alleged recovery from the petitioner was only 49.990 kgs. of *Ganja* which although falls in the category of commercial quantity under the NDPS Act but considering the long custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana, has submitted that the confiscated quantity falls in the category of commercial quantity under the NDPS Act, and therefore, the prayer of the petitioner is hit

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by the bar contained under Section 37 of the NDPS Act. She further submitted that even otherwise also the trial is progressing fast and 11 out of 20 witnesses have already been examined and there is no ground available with the petitioner for making a departure from the aforesaid bar contained under Section 37 of the NDPS Act, therefore, he does not deserve the concession of regular bail.

4. I have heard the learned counsel for the parties.

5. The petitioner is stated to be in custody from 16.01.2021. As per the learned State Counsel 11 out of 20 witnesses have already been examined. The alleged recovery from the petitioner was 2½ times more than the prescribed commercial quantity since allegedly from the petitioner, there was a recovery of 49.990 kgs. of *Ganja*. 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. Therefore, this Court does not deem it fit and proper to grant regular bail to the petitioner.

6. Consequently, finding no merit in the present petition and the same is hereby dismissed.

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

07.07.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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