

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

**CRM-M-18362-2023
Date of Decision: 05.09.2023**

JAGSEER SINGH ALIAS JAGGA

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Sandhu, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. Petitioner is seeking regular bail in case bearing FIR No. 127 dated 14.07.2022 under Sections 15/29 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Vairoke, District Fazilka.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that as per the allegations, 20 Kg of poppy husk has been recovered from the car in which the petitioner along with the co-accused namely Jagmeet Singh @ Bheja were travelling. The petitioner is neither the driver nor the owner of the car. Moreover, in pursuance of the disclosure statement of the co-accused, 40 kg of poppy husk has been recovered from the house of the petitioner. The said recovery has been planted upon the petitioner to bring the recovery to be in the category of commercial quantity. The petitioner is in custody for a period of 1 year, 1 month and 20 days. Though he is involved in another case under NDPS Act but is on bail in that case.

4. Learned State counsel has opposed the bail application on the score that the total quantity of recovery effected in the instant case is 60 kg which falls in the category of commercial quantity. Furthermore, the petitioner is involved in another case under NDPS Act which pertains to the recovery of 150 kg of poppy husk.

5. It is significant to note that the petitioner has been arraigned as an accused in another case bearing FIR No. 160 dated 07.10.2021 under Section 15/29 of NDPS Act, registered at Police Station Vairo Ke which pertain to the recovery of 150 kg of poppy husk. The petitioner was released on bail in the said case on 24.02.2022 and thereafter, within a period of less than 6 months, the recovery in the instant case has been effected. The offence has been committed by the petitioner while he was on bail in another case under NDPS Act. The recovery of further 40 Kg of poppy husk in pursuance of the disclosure statement of the co-accused has been effected from the house of the petitioner. The total recovery in the instant case falls in the category of commercial quantity and as such, stringent provisions of section 37 of the NDPS Act come into play. There is nothing to suggest that the petitioner has not committed the offence and is not likely to commit the offence while on bail.

6. As such, no justified ground is made out to extend the concession of bail to the petitioner.

7. Dismissed.

05.09.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No