

2023:PHHC:160712

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

Sr. No.222

**CRM-M-20469-2023
Date of Decision:14.12.2023**

NAVJOT BALI

.... Petitioner

Versus

NARCOTIC CONTROL BUREAU

... Respondent

CORAM: HON'BLE MR. JUSTICE N. S. SHEKHAWAT

Present: None for the petitioner.

Ms. Gurmeet Kaur Gill, Sr. Penal Counsel,
for UOI (NCB).

N. S. SHEKHAWAT, J. (ORAL)

The present petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.83 dated 26.12.2022, under Sections 8, 18, 20, 21, 27A, 29 and 62 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station N.C.B., Chnadigarh/Division-7, District Jalandhar, Punjab.

FIR in the present case was registered on the basis of the complaint filed by Narcotics Control Bureau (NCB, Chandigarh) with the allegations that the petitioner and his mother were apprehended for recovery of 500 grams of Diacetylmorphine (heroin), 13 grams of opium, 10 grams of charas, one licensed pistol of .32 with 05 live cartridges and Rs.27,900/- as drug money.

It has been pleaded in the petition that the petitioner has been falsely involved in the present case along with his co-accused, namely, Navpreet Saini, who is mother of the petitioner. It is further pleaded that the petitioner is neither the owner of the house nor he has taken the house on rent. The officials of NCB had earlier falsely implicated the mother of the petitioner, therefore the officials of NCB wanted to plant a false recovery on

present petitioner as well. It is further pleaded that due to matrimonial dispute the mother of the petitioner is residing separately from the petitioner, her husband and daughter. Even the petitioner was arrested illegally on 26.12.2022 in absence of the Intelligent Officers of the NCB.

On the other hand, learned counsel appearing on behalf of NCB has vehemently opposed the prayer made by the petitioner on the ground that the recovery of contraband from the petitioner is commercial in nature and rigours of Sections 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would apply to the facts of the instant case. She further contends that the petitioner was actively involved in the commission of the crime with his mother, namely Navpreet Saini, who is habitual offender and she is involved in four more cases of Narcotic Drugs and Psychotropic Substances Act, 1985.

I have heard learned counsel for the NCB and perused the record.

There is huge recovery of contraband from the present petitioner and his mother and thus, finding no merits in the present petition, the petition is ordered to be dismissed.

(N. S. SHEKHAWAT)
JUDGE

14.12.2023

M.Sikka

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