

CRM-M-47540-2022

Date of Decision: 07.02.2023

BALDEV SINGH @ BAU
V/S

... PETITIONER

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Himanshu Puri, Advocate for
Mr. Balbir Singh, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 34 dated 12.03.2022 under Sections 18/29/61/85 of NDPS Act, registered at Police Station Sultanwind, District Amritsar.

Custody certificate has been taken on record.

Briefly, the FIR has been registered on the allegations that on 12.3.2022, the petitioner along with Gurjit Singh @ Sunny, co-accused were travelling in a car. The petitioner was driving the car and on seeing the Police party, he tried to run away but the car stuck in the traffic jam. The petitioner tried to throw the polythene bag containing 1 kg of opium. The recovery was effected. Subsequently, in pursuance of the disclosure statement, 2 kg of opium was recovered from the house of the petitioner.

Learned counsel for the petitioner contends that the co-accused Gurjit Singh @ Sunny has been granted regular bail and furthermore, the petitioner is not the owner of the car.

Learned State counsel has opposed the bail application on the score that the case of the petitioner is not at parity with Gurjit Singh @ Sunny. The recovery of 3 kg of opium, which falls in the category of

commercial quantity, has been effected from the petitioner and moreover, the petitioner had purchased the car and an agreement in this regard has also been recovered.

Gurjit Singh @ Sunny has been granted bail by the Coordinate Bench of this Court on the score that 1 kg of opium was recovered from the car in which he was travelling. The petitioner had made an attempt to throw the polythene bag containing the opium. Moreover, no further recovery of opium was effected at the instance of Gurjit Singh @ Sunny, co-accused. Consequently, he was granted regular bail.

In the instant case, 3 kg of opium has been recovered from the petitioner which falls in the category of commercial quantity. The petitioner was driving the vehicle and also made an attempt to throw the polythene bag. Moreover, he had also purchased the vehicle from the previous owner. The quantity of contraband recovered from the petitioner falls in the category of commercial quantity. The stringent provisions of section 37 of NDPS Act come into play. There is nothing to suggest that petitioner has not committed the offence or is not likely to commit the offence, if extended the concession of bail. The custody period of the petitioner is only to the extent of 10 months and 27 days.

Keeping in view the totality of circumstances, no justified ground is made out to extend the concession of regular bail to the petitioner.

Dismissed.

07.02.2023

Janki

(VIVEK PURI)
JUDGE

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