

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-43102-2022

Date of Decision:-23.02.2023

Ranjodh Singh @ Jodha.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. K.S. Ahhi, Advocate for the Petitioner.

Mr. Shubham Kaushik, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.

The present second bail petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.38 dated 08.04.2021, registered under Sections 22 of NDPS Act, 1985 at Police Station Khilchian, District Amritsar.

As per the prosecution case, the petitioner was apprehended and on the handle of the motorcycle one plastic polythene packet of black colour was seen hanging. The said packet was searched and pursuant thereto, 2250 intoxicating tablets were recovered from the said packet leading to the registration of the FIR.

The learned counsel for the petitioner contends that the police has falsely implicated him in this case. There is gross violation of Sections 42, 50, 55 and 57 of the NDPS Act. While referring to the various annexures to the petition it is his contention that the documents of search and seizure being discrepant, clearly falsifies the prosecution case for which the petitioner was entitled to bail. Even otherwise, the petitioner had been granted the concession of interim bail on account of non-receipt of the FSL report and did not misuse the same. He thus, prays for the grant of regular

bail.

On the other hand, the learned State counsel contends that commercial quantity of contraband has been recovered from the petitioner and as such the petitioner cannot be granted the concession of regular bail in view of the bar under Section 37 of the NDPS Act. Even otherwise this was the second bail application of the petitioner with no change in circumstances. Further the petitioner was involved in FIR No.244 dated 5.12.2020 under Sections 326, 323, 506, 148, 149 IPC P.S. Khilchian (UI), FIR No.188 dated 10.09.2020 under Sections 22-61-85 NDPS Act, P.S. Khilchian (Recovery 260 Tablets) and FIR No.117 dated 19.06.2020 under Sections 326, 341, 148, 149 IPC P.S. Khilchian (UI).

I have heard the rival contentions of both the parties.

This is the second bail application on behalf of the petitioner, without any change in the circumstances. The recovery is of commercial quantity of contraband. The petitioner is involved in three other cases including one under the NDPS Act.

In view of the fact that the recovery is of commercial quantity, he has criminal antecedents and there being a specific bar in terms of Section 37 of the NDPS Act, the petitioner cannot be granted the concession of regular bail.

Accordingly, the present petition is dismissed.

(JASJIT SINGH BEDI)
JUDGE

February 23, 2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>