

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

CRM-M-51664-2022
Date of decision: 01.02.2023

Manpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Shivender Pal Singh, Advocate for
Mr. Brijeshwar Singh Bhalla, Advocate,
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first one having been dismissed as withdrawn on 19.07.2022), the petitioner seeks regular bail in case bearing FIR No.126 dated 12.09.2021, registered at Police Station Sarhali, District Tarn Taran, under Section 21 NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that recovery of 300 gram heroin had allegedly been effected from the petitioner, and that charges are yet to be framed.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the extent of heroin allegedly recovered from the petitioner, falls under the 'commercial quantity; that when the petitioner was on interim bail in case bearing FIR No.35 dated 12.04.2021, under Section 21 NDPS Act, registered at Police Station Chohla Sahib, District Tarn Taran, he was apprehended in the present case. Learned State counsel further submits that the approach of granting

bail to the accused like the petitioner would encourage him to indulge in other offences again and again.

I have heard the learned counsel for the parties.

As per the case of prosecution, 300 gram heroin had allegedly been recovered from the petitioner. The aforesaid extent of heroin falls under the 'commercial quantity'. Section 37 NDPS Act bars the grant of bail to the accused in case of 'commercial quantity'.

Moreover, it is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has criminal antecedents, particularly a record which suggests that he is likely to commit similar offences while on bail. After having been granted the concession of interim bail in another case under the NDPS Act, the petitioner had indulged himself in the present case. The conduct of the petitioner is not above the board.

In view of the above discussion, this Court does not find any merit in the present petition.

Dismissed.

01.02.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No