IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(211)

CRM-M-61292-2023
Date of Decision:-11.12.2023

Pankaj @ Kala

……Petitioner

Versus

State of Haryana

……Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

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Present: Proxy Counsel for
Mr. Neeraj Yadav, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

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ALOK JAIN, J. (Oral)

1. The present petition has been filed for grant of regular bail to the petitioner in FIR No. 0366 (Annexure P-1) dated 23.08.2023 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Purani Sabzi Mandi, Rohtak, District Rohtak.

2. Learned State counsel has filed the custody certificate of the petitioner in Court today, according to which, the petitioner has undergone imprisonment for 3 months and 15 days only.

3. Learned State counsel submits that there are three more cases against the petitioner under the provisions of IPC. Though in one case, he has been acquitted and in another two cases, he is on bail.

4. I have heard learned counsel for the parties. The Hon'ble Supreme Court in ***"Union of India through Narcotics Control Bureau Vs. Md. Nawaz Khan, 2021 (10) SCC 100"*** while cancelling the bail of the accused charged under NDPS when the recovery was commercial in nature

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held that in serious offences and when special conditions for grant of bail (as under Section 37 of the NDPS Act) are provided in the statute itself, the Courts apart from the principles laid down for the grant of bail by the Hon'ble Supreme Court in ***"Prasanta Kumar Sarkar Vs. Ashis Chatterjee, (2010) 14 SCC 496"***, the special conditions laid down in the statute ought to be followed.

5. Considering the recovery of the contraband which is 11 vials of Win Cirex Cough Syrup 100 ML each from the conscious possession of applicant-accused being commercial and custody of the petitioner being very less, I do not find any merit in the present petition.

6. Accordingly, the present petition stands dismissed at this stage.

(ALOK JAIN)
JUDGE

December 11, 2023
Parul

Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No

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