



CRM-M-28153-2024

::1::

(223) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28153-2024
Date of Decision: 06.11.2024

SATPAL ALIAS SATTA ALIAS SHAKTI

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. A.S. Chaudhary, Addl. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in this 3rd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.1204 dated 01.10.2022 registered under Sections 21(c) and 29 of NDPS Act, 1985 at Police Station Hisar Sadar, District Hisar.

2. The brief facts of the case are that Anil Kumar was apprehended with 255 grams of heroin. He suffered his disclosure statement that he had transported the same on the asking of Satpal @ Satta @ Shakti (petitioner), Satnam @ Sonu @ Soni and one Chilli Chukuvemeka Silvence @ Bigman.

The petitioner and his co-accused Satnam @ Sonu @ Soni were arrested on 04.10.2022 and suffered their disclosure statements to the effect that they used to procure heroin from Chilli Chukuvomeka Silvence @ Bigman (Nigerian) and got the petitioner to transport the same. Payments



CRM-M-28153-2024

::2::

were made into the bank account of Chilli Chukuvomeka Silvence @ Bigman by them.

During further investigation, it transpired that the Bank Account No.5153101008055 stood in the name of Ms. Neelam Rai Bahador.

3. The report under Section 173(2) Cr.P.C. was submitted against three arrested accused but the arrest of accused Chilli Chukuvemeka Silvence @ Bigman and Ms. Neelam Rai Bahador is awaited.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was a violation of the mandatory provisions of the NDPS Act regarding search and seizure including Section 50 of the NDPS Act. The prosecution version was inherently unbelievable. Even otherwise, the petitioner was named in the disclosure statement of the arrested accused which had no evidentiary value. As the petitioner was in custody since 04.10.2022 but none of the 29 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. A status report dated 19.10.2024 by way of an affidavit of Harinder Kumar, HPS, Deputy Superintendent of Police, H.Q., Hisar has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He on instructions contends that the petitioner was a habitual offender. He was an accused in 03 other cases arising out of FIR No.102/2020 dated 29.02.2020 U/s 22B/61/85 and 27A NDPS Act, P.S. City Fatehabad,



CRM-M-28153-2024

::3::

FIR No.500/2020 dated 22.07.2020, U/s 21B/27A, 61/85 NDPS Act, P.S. Sadar Hisar, Hisar and FIR No.301/2022 dated 27.06.2022, U/s 21B/61/85 NDPS Act, P.S. Rania, Sirsa. The instant petition was the 3rd bail application of the petitioner, the last one having been withdrawn as recently as on 08.02.2024 (Annexure P-7). Therefore, keeping in view the antecedents of the petitioner, he was not entitled to the concession of bail, moreso in view of the bar contained in Section 37 of the NDPS Act.

6. I have heard the learned counsel for the parties.
7. This is the 3rd bail application on behalf of the petitioner. The details of his earlier bail applications are as under:-

Sr. No.	Bail Application	Date of Decision
1.	CRM-M-33784-2023	Dismissed as withdrawn on 20.07.2023
2.	CRM-M-48534-2023	Dismissed as withdrawn on 08.02.2024

8. The details of FIRs registered against the petitioner are as under:-

Sr. No.	FIR Nos. and date	Sections	Police Station
1.	FIR No.102/2020 dated 29.02.2020	22B/61/85, 27A NDPS Act	P.S. City Fatehabad
2.	FIR No.500/2020 dated 22.07.2020	21B/27A, 61/85 NDPS Act	P.S. Sadar Hisar, Hisar
3.	FIR No.301/2022 dated 27.06.2022	21B/61/85 NDPS Act,	P.S. Rania, Sirsa



CRM-M-28153-2024

::4::

9. Apparently, the petitioner is a serial offender with 03 other cases registered against him under the NDPS Act. No change in circumstances whatsoever have been pointed out by the counsel for the petitioner after the 2nd bail application of the petitioner came to be argued and withdrawn as recently as on 08.02.2024 (Annexure P-7).

10. This Court in the case of **Soni Singh @ Chamkaur Singh Versus State of Punjab, CRM-M-31645-2022, decided on 20.10.2022**, held as under:-

“Admittedly, the petitioner in the present case is named in the disclosure statement of the arrested accused. Subsequently thereto 3Kgs of Poppy Husk was recovered at his instance which is a non commercial quantity. It may be relevant to mention here that limitations to the grant of bail under Section 37 of the NDPS Act are in addition to those prescribed under Cr.PC or any other law inforce on the grant of bail as has been set out by the Hon'ble Supreme Court in Satpal Singh Vs. State of Punjab 2018(5) RCR (Criminal) 152. In the present case, the petitioner is involved in two other cases under the NDPS Act. Thus, as he is a habitual offender, he is not entitled to the grant of bail even under Section 439 Cr.PC keeping in view his antecedents. Even otherwise, assuming that the rigors of Section 37 of the NDPS Act did not apply to the petitioner, that by itself would not ipso facto lead to the grant of bail to the petitioner.

In view of the above discussion, I find no merit in the present petition and the same is therefore dismissed.”

11. Keeping in view the allegations levelled against the petitioner as well as his antecedents the satisfaction under Section 37 of the NDPS Act that



CRM-M-28153-2024

::5::

he has not committed an offence and is not likely to commit one in the future cannot be recorded.

12. In view of the above discussion, I do not deem it appropriate to grant him the concession of bail and therefore, the present petition stands dismissed.

13. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.

(JASJIT SINGH BEDI)
JUDGE

06.11.2024
JITESH

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