



CRM-M-37489-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-37489-2024 (O&M)
Date of decision:08.08.2024

Goldi @ Goldi Paliwal

... Petitioner

Vs

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. K.L. Saini, Advocate for the petitioner.
Mr. Anil Bansal, DAG, Punjab

SUVIR SEHGAL J. (ORAL)

1. Instant third petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in:-

FIR No.	Dated	Police Station	Section
248	19.10.2022	City Rajpura, District Patiala (Punjab)	22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act')

2. Case of the prosecution is that a bus was intercepted at a police barricade and a young man carrying a carton on his shoulder was searched on suspicion. He was found in possession of 34000 intoxicant tablets. Upon inquiry, he identified himself as Goldi Paliwal (present petitioner).

3. Counsel for the petitioner has argued that the petitioner, who has a clean past, has been falsely implicated. He submits that there has been non-compliance of the mandatory provisions of NDPS Act in as



much as search was not carried out in the presence of a Gazetted Officer or Magistrate. He submits that the petitioner's signatures were never taken on the recovery memo Ex.P-3. Counsel submits that the petitioner, who is in custody since 22.10.2022, deserves to be enlarged on bail, as the trial is not likely to conclude in the near future.

4. Per contra, State counsel upon instructions, has opposed the petition. He has filed custody certificate dated 07.08.2024, which is taken on record. He submits that as the contraband recovered from the petitioner falls within the ambit of commercial quantity, the bar under 37 of the NDPS Act comes into play and the petitioner is not entitled to be released on bail.

5. I have heard counsel for the parties and considered their respective submissions.

6. Exceptionally huge quantity of contraband has been recovered from the petitioner for which he has not given any explanation. Mere fact that he has been in custody for the last almost 33 months, is not sufficient to consider his petition for grant of bail in view of the stringent conditions laid down in Section 37 of the NDPS Act. Furthermore, previous petition preferred by the petitioner was withdrawn on 23.05.2024, Annexure P-6, and the petitioner has approached this Court within a period of less than three months without pointing out any change in the circumstances. This Court is not inclined to exercise the power vested in it under Section 439 of Cr.P.C. and to extend the concession of bail. There is no merit in the petition, which is hereby dismissed.



6. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

08.08.2024

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No