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

**CRM-M-42891-2024
Date of Decision: 09.09.2024**

Gagandeep Singh @ Gaga

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shubham Mehta, Advocate,
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a third petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.127 dated 22.12.2021, under Sections 15, 22, 25, 29, 61 & 85 of the NDPS Act, registered at Police Station Tappa Mandi, District Barnala.

2. Learned counsel for the petitioner submitted that earlier the petitioner filed a bail petition bearing CRM-M-65298-2023 which was dismissed on merits on 03.04.2024 and although he has filed the present bail petition after a period of 4 months but he may be considered for grant of regular bail because of his custody which is for 2 years, 8 months and 12 days.

3. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab submitted that the present bail petition is not maintainable because just after 4 months, the petitioner has filed another bail petition whereas his earlier bail



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petition was dismissed on merits on 03.04.2024 and the allegations against the petitioner are with regard to recovery of 35000 tablets of *Tramadol* which is a huge quantity and also falls in the category of commercial quantity under the NDPS Act. He also submitted that there is no ground available with the petitioner to make a departure from the bar contained under Section 37 of the NDPS Act.

4. I have heard the learned counsels for the parties.

5. It is a case where earlier bail petition of the petitioner has been dismissed on merits on 03.04.2024 and just after 4 months, now the present petition has been filed for grant of regular bail. Even otherwise also, the allegations against the petitioner are with regard to recovery of 35000 tablets of *Tramadol* which not only falls in the category of commercial quantity under the NDPS Act but is also a very huge quantity. The learned counsel for the petitioner has not been able to make out any ground for making a departure from the bar contained under Section 37 of the NDPS Act.

6. In view of the aforesaid facts and circumstances, this Court does not deem it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is hereby dismissed.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

09.09.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned	Yes/No
2. Whether reportable:	Yes/No