



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44962-2024
DECIDED ON: 16.09.2024

NARANG SINGHPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Mehak Arora, Advocate for
Mr. Amitabh Tewari. Advocate
for the petitioner.

Mr. B.S Virk, Senior DAG, Haryana

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 483 of the BNNS, 2023, for grant of regular bail to the petitioner in case FIR No. 326, dated 23.07.2021, under Sections 8 and 15 of NDPS Act, 1985, registered at Police Station city Mahendergarh, District Mahendergarh, Haryana.
2. Learned counsel for the petitioner argues that the petitioner has been wrongly implicated in the instant case and alleged recovery of 205 kg of poppy husk has been planted on him and initially the FIR was registered against some unknown persons and police has nominated the petitioner in the present case on the basis of statement suffered by the original owner of the vehicle from which the alleged contraband was recovered.
3. Notice of motion.



4. On the asking of Court, Mr. B.S Virk, DAG Haryana, accepts notice on behalf of respondent-State and submits that the alleged contraband i.e 205 kg of poppy husk has been recovered in the present case. The quantity alleged to have been recovered falls under the commercial quantity, which attracts Section 37 of the NDPS Act. Thus, the petitioner is not entitled to be released on regular bail.

5. Having heard learned counsel for both the parties.

6. Drug addiction is a societal scourge that devastates individuals and communities, while drug trafficking has far-reaching consequences that undermine economies and fuel illicit activities, including terrorism. The use of narcotic drugs destroys lives, eroding an individual's humanity and reducing them to a mere shadow of their former self. As the grip of addiction tightens, users sacrifice their dignity, well-being, and ultimately, their very existence. It is the legislature's imperative to mitigate the harmful effects of drugs and substances on society, and to protect citizens from the ravages of addiction and the illicit drug trade.

7. It's important to remember that while an accused in a murder case may take the life of one or two individuals, those involved in narcotics trafficking are responsible for causing the deaths of numerous innocent young people who are vulnerable to addiction. The harmful effects of drug trafficking have a devastating impact on society, making those involved a significant threat to public safety. Even if released temporarily, it's likely that they will continue their illegal activities, prioritizing profits over human life and perpetuating a dangerous cycle of addiction and exploitation. In the present prevailing scenario, the drug



which not only effects the economic policies of the State but corrupts the system apart from leaving the impact of producing sick society. I will not be shy of saying that anti drug justice is a criminal dimension of social justice as drug addiction forms vitals of the society along-with illicit money generation by drug trafficking.

8. In fact, the jurisdiction of the Court to grant bail is circumscribed by the provision of Section 37 of NDPS Act specifically observing that bail can be granted only if reasonable grounds are there to believe the innocence of the accused added with the fact that he is not likely to commit any offence while on bail. The mandate as envisaged under section 37 of the NDPS Act needs to be followed which reads as under:

“37. Offences to be cognizable and non-bailable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),— (a) every offence punishable under this Act shall be cognizable; (b) no person accused of an offence punishable for 3 [offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.”



9. Going a step further it is negative burden casted on the petitioner to disapprove the case of prosecution as per the mandate of Section 37 of the NDPS Act which discloses that the offences are cognizable and non-bailable.

10. Adverting to the merits of the present case wherein 205 kg of poppy husk which is commercial in nature has been recovered which by no stretch of imagination can be a planted recovery as the same was found from the car belonging to the petitioner and besides the trial is at the fag end therefore, this courts finds no reason to enlarge the petitioner on bail at this stage.

13. In the light of above, considering the huge quantity of the contraband recovered and the manner in which the *modus operandi* is evident, wherein the petitioner is alleged to be actively involved, therefore petition deserves to be dismissed having no merits.

14. Hence, the same stands dismissed with no order as to costs.

(SANDEEP MOUDGIL)
JUDGE

16.09.2024
Sangeeta

Whether speaking/reasoned Yes/No
Whether reportable Yes/No