



CRM-M-49889-2024

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(209)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49889-2024

Date of Decision: 18.10.2024

SONU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Raghav Goyal, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in this 4th petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.44 dated 23.03.2023 (Annexure P-1) registered under Sections 22-B, 61, 85 NDPS Act, 1985 at Police Station Kabarwala, District Sri Muktsar Sahib.

2. The brief facts of the case are that the petitioner came to be apprehended with 400 tablets of Clovedol.

3. 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. However, taking the allegations to be correct, non-commercial quantity of contraband had been recovered from a transparent polythene packet which was highly improbable.



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As the petitioner was in custody since 23.03.2023 and only 01 of the 13 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.

4. On the other hand, the learned State counsel contends that the petitioner was a habitual offender. He was a convict in one case arising out of FIR No.165 dated 03.09.2007 U/s 15 NDPS Act, P.S. Malout Sadar and an under-trial in three other cases arising out of FIR No.217/2021 dated 26.12.2021 U/s 21A, 22B, 61/85 NDPS Act, P.S. Kabarwala, FIR No.149/2021 dated 20.08.2021 U/s 21(A)/61/85 NDPS Act, P.S. Kabarwala and FIR No.141/2020, U/s 21-A/61/85 NDPS Act, P.S. Lakhewali. Further, the instant petition was the 4th bail application of the petitioner, the last one having been withdrawn as recently on 12.07.2024. Therefore, keeping in view the antecedents of the petitioner, he was not entitled to the concession.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is a serial offender with multiple cases registered under the NDPS Act against him. He is also a convict in one case. No change in circumstances whatsoever have been pointed out by the counsel for the petitioner after the 3rd bail application of the petitioner came to be argued and withdrawn as recently on 12.07.2024.

7. 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:-



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“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.”

8. Keeping in view the allegations levelled against the petitioner as well as his antecedents, I do not deem it appropriate to grant him the concession of bail and therefore, the present petition stands dismissed.

9. However, the Trial Court is directed to conclude the Trial as expeditiously as possible.

(JASJIT SINGH BEDI)
JUDGE

18.10.2024

JITESH

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