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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-56661-2024
Date of decision:-04.02.2025

DIWANA SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. M.S. Bindra, Legal Aid Counsel for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of an affidavit dated 03.02.2025, of Deputy Superintendent of Police, Sub Division, Sunam, District Sangrur, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, (BNSS) for grant of regular bail in the following case(Annexure P-1):-

FIR No.	Dated	Sections	Police Station
131	19.06.2022	15 of NDPS Act	City Sunam, District Sangrur

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present

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case. He contends that the allegations levelled in the FIR are baseless and unfounded and the petitioner is not involved in any other case. He contends that petitioner was arrested on 19.06.2022 and since then he is in custody, after completion of investigation, challan has already been presented and is pending trial. Hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that petitioner alongwith co-accused Dulla Singh @ Dalip Singh were arrested and from the tempo driven by the petitioner recovery of 150 kgs of poppy husk was effected. The recovered contraband is huge in quantity, which falls within the purview of commercial quantity and attracts Section 37 of the NDPS Act, as such, the petitioner is not entitled to concession of bail. Hence prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that during patrolling, at about 12:15 pm a secret information received that Dulla Singh alias Dalip Singh is habittual of dealing in poppy husk and is coming from Rajasthan side with Diwana Singh in tempo and had huge quantity of poppy husk. A naka was laiddown and further the police intercepted the tempo and on checking, recovery of 150 kgs of poppy husk was effected from them. The recovered huge quantity of contraband falls within the purview of ‘commercial quantity’ and attracts bar under Section 37 of the NDPS ACt. Therefore, considering the nature and gravity of the offence, and also the fact that the recovered contraband falls within the

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purview of ‘commercial quantity’, attracting the bar under Section 37 of the NDPS Act, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

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i) Whether speaking/reasoned? Yes/No
ii) Whether reportable? Yes/No

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