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

CRM-M-29705 of 2019

Date of decision: July 22, 2019

Gursewak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Himmat Singh, Advocate for the petitioner.

Mr. Saurav Khurana, DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.0065 dated 18.10.2018, under Sections 21, 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Jhandher, Amritsar.

As per prosecution case, 1170 intoxicant tablets were recovered from the conscious possession of the petitioner.

It has been contended by learned counsel for the petitioner that he is in custody since 18.10.2018 and he has been falsely implicated in this case. It has been further contended that there is non-compliance of Section 50 of NDPS Act.

On the other hand, learned State counsel has opposed the

prayer of the petitioner and submitted that recovery is commercial in nature and 1170 intoxicant tablets were recovered from the conscious possession of the petitioner. Also submitted that recovered contraband falls under the provisions of NDPS Act.

Heard both sides and perused the paper-book.

At this stage, it is to be noticed that petitioner was found in conscious possession of 1170 intoxicant tablets and as per FSL report, the same were Tramadol Hydrochloride. Therefore, recovery of the contraband is commercial in nature and keeping in view the bar under Section 37 of the NDPS Act; and without commenting any further lest it may prejudice the case of the petitioner, this Court does not deem it appropriate to release him on bail pending trial.

Petition stands dismissed. Needless to say that observations made above may not be construed as an expression of opinion on merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

July 22, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No