

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

203

CRM-M-411 of 2020

Date of decision :-29.10.2020

Harpreet Singh @ Peeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

Mr. A.A. Pathak, Addl. A.G., Punjab
for the State-respondent.

SUVIR SEHGAL, J.

The hearing of this petition has been taken up by means of video conferencing on account of outbreak of Covid-19 pandemic.

Through the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973, the petitioner is seeking regular bail in FIR No.152 dated 29.08.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”), at Police Station Majitha, District Amritsar Rural.

As per the version of the prosecution, FIR, Annexure P-1, was registered against the petitioner as he was apprehended with 1027 loose intoxicating tablets on 29.08.2019. After analysis from the Central Forensic Science Laboratory, the tablets were found to contain salt Alprazolam and the quantity was found to be commercial.

Counsel for the petitioner has argued that the petitioner has been falsely implicated and there is no material with the prosecution to connect the petitioner with the alleged recovery. He has urged that at the time of the personal search of the petitioner, independent witness was not joined by the prosecution and the mandatory provisions of Section 50 have not been complied with. He submits that the petitioner is in custody since August, 2019 and deserves to be enlarged on bail as the trial is not progressing.

Opposing the petition, counsel for the State has submitted that the recovery effected from the petitioner falls within the category of commercial quantity and the bar under the NDPS Act is attracted. He submits that the petitioner does not deserve the concession of bail as he is involved in a number of other cases. As per instructions received by him from ASI Manohar Lal, final report under Section 173 Cr.P.C. has been filed and the charges are yet to be framed. He has filed the custody certificate dated 29.10.2020, which is taken on record and copy thereof, has been supplied to counsel for the petitioner.

I have considered the rival submissions of the parties.

A perusal of the custody certificate filed by the State counsel shows that the petitioner is involved in six cases, including the present FIR, the details of which are reproduced hereunder:-

S.No.	FIR No. and Date	Police Station	Under Sections
1.	152 dated 29.08.2019	Majitha, Amritsar	22 of the NDPS Act.
2	123 dated 20.07.2019	Majitha, Amritsar	21 of the NDPS Act.
3.	248/2015	Chheharta, Amritsar	21 of the NDPS Act.
4.	26 dated 21.03.2018	Majitha, Amritsar	22 of the NDPS Act.

5.	176 dated 15.05.2016	A Division, Amritsar	22 of the NDPS Act.
6.	123/2019	Majitha, Amritsar	21 of the NDPS Act.

From the above chart, it is apparent that all the cases pending against the petitioner are registered against him under the provisions of the NDPS Act. It is clear that the petitioner is probably a drug peddler and his antecedents are such that the concession of regular bail cannot be extended to him.

Besides this, the weight of contraband (Alprazolam) recovered from the petitioner works out to 147 grams, which falls within the ambit of commercial quantity under the provisions of the NDPS Act. The rigour of Section 37 (1) (b) of the NDPS Act is attracted and the petitioner is not entitled to grant of bail.

This petition is accordingly dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

29.10.2020
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No