

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

107

**CRM-21362-2020 in/and
CRM-M-7657-2019(O&M)
Date of Order:03.09.2020**

BHIM RAM

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S.Virk, Advocate,
for the petitioner.
Mr. Chetan Sharma, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

With the consent of learned counsel for the parties, hearing of the bail application is pre-poned to today and taken up on Board for final disposal.

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.0204, dated 29.08.2018, registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Kalanwali, District Sirsa.

As per the case of the prosecution, the petitioner was caught with 1320 intoxicating tablets containing 'Alprazolam' salt which is a prohibited substance. The total weight of the tablets comes to 162.36 grams which falls in commercial category.

Learned counsel for the petitioner contends that the police officer had no right to carry out the search of the petitioner. He submits that on this ground itself, the petitioner is liable to be acquitted.

This court has considered the submissions.

First of all, it is debatable as to whether Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is applicable or not? The recovery has been made from a polythene bag held by the petitioner in his left hand. Secondly, at this stage, it would not be appropriate to express any opinion as to whether the police officer was entitled to carry out the search despite consent of the petitioner to carry out the search by the police officer

Keeping in view the fact that the alleged recovery from the petitioner is of commercial quantity and in view of the provision of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, it would not be appropriate to release the petitioner on bail.

Dismissed.

However, the learned trial court is requested to make a sincere endeavour to conclude the trial expeditiously after the normal functioning of the Courts resume.

September 03, 2020
nt

(ANIL KSHETARPAL)
JUDGE

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