

CRM-M-13167 of 2020 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13167 of 2020 (O&M)

Date of Decision :10.6.2020

Amrik Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present : Mr.Amandeep Singh Manaise, Advocate for the petitioner

Mr. S.P.S.Tinnu, Addl. AG, Punjab

ANIL KSHETARPAL, J.(ORAL)

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.142 dated 13.9.2019 registered under Section 22 of the NDPS Act at Police Station City Batala, Police District Batala, District Gurdaspur.

As per the case of the prosecution, the petitioner was found in conscious possession of 510 intoxicated tablets containing Alprazolam salt and 730 capsules containing Tramadol Hydrochloride salt alongwith an amount of Rs.32,350/-. It is undisputed that 730 capsules of Tramadol Hydrochloride falls in commercial category. As informed by learned State counsel, petitioner is also stated to be involved in two more FIRs bearing FIR Nos. 111 dated 24.5.2018 and 225 dated 20.12.2018.

Learned counsel for the petitioner contends that the petitioner is in custody since 13.9.2019 and the prosecution has analyzed only 20

capsules out of 730 capsules from the Forensic Science Laboratory although all the tablets and capsules were not having any established brand as well as packaging. Under these circumstances, it was incumbent for the prosecution to get the entire quantity analyzed from the laboratory.

Be that as it may. It is prima facie established that the recovery from the petitioner falls in commercial category. In view of the bar under Section 37 of the NDPS Act in normal circumstances bail to the accused involved in a case of recovery of commercial quantity cannot be granted. Further the petitioner herein is also an accuse in two more FIRs under NDPS Act as noted above.

In view of the above, this Court is not inclined to grant concession of bail to the petitioner. Hence, the present petition is hereby dismissed.

(ANIL KSHETARPAL)
JUDGE

10.6.2020
rekha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No