

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

CRM-M No.14762 of 2020 (O&M)
DATE OF DECISION: 13.08.2020

Kuldeep Singh @ Bunty

.....Petitioner

versus

State of Punjab

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Kuldip Singh, Advocate for the petitioner

Ms. Samina Dhir, DAG, Punjab

..

ALKA SARIN, J.:

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.15 dated 15.02.2019 under Section 22 (Notification No.61) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”) registered at Police Station Arniwala, District Fazilka.

Briefly, the allegations in the FIR are that on 15.02.2019, while on patrol, the Police party reached the bridge of Canal Dhipa Wali, from Malout side one motorcycle was seen coming which had something tied on the handle. The complainant gave a signal to stop the motorcycle. The motorcyclist on seeing the Police party immediately tried to turn the motorcycle and in the process slipped. On the basis of suspicion, the motorcyclist was apprehended. The Police party informed the motorcyclist *i.e.* the petitioner that he was suspected of being in possession of

intoxicating substance and, therefore, the search of his person and the polythene bag tied on the motorcycle needed to be conducted. The petitioner was told about his legal right to get himself searched in the presence of a Magistrate or a Gazetted Officer. On conducting the search, the polythene bag tied to the motorcycle was checked and it was found to contain 74 strips of Mark Prozalom 0.5 mg each (total 740 tablets) and 40 strips of TRIO-SR (total 400 tablets).

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the case and that no recovery was effected from him. The recovery was effected from the motorcycle which is not registered in his name.

Ms. Samina Dhir, DAG, Punjab has put in appearance on behalf of the State and has stated that as per the custody certificate the petitioner has been convicted in one case under the NDPS Act and another FIR is also pending against him under the NDPS Act. It is further stated that the quantity recovered from the conscious possession of the petitioner is commercial in nature and, hence, there is no ground for grant of regular bail to the petitioner in the present case.

I have heard the learned counsel for the parties.

In the present case, the petitioner was found in the conscious possession of 740 tablets containing 105.40 grams Alprazolam salt and 400 tablets containing 171.28 grams salt Tramadol Hydrochloride. The quantity of the intoxicating tablets, recovered from the conscious possession of the petitioner, containing Alprazolam salt falls under the commercial category. Further, the petitioner has already been convicted in one other case under the NDPS Act and there is another FIR pending against the petitioner which is also registered under the NDPS Act. The petitioner appears to be a habitual offender and further keeping in mind the commercial quantity of

the intoxicant tablets recovered from the petitioner, this Court does not find this to be a fit case for grant of regular bail. It is, however, made clear that any observation made herein would have no bearing on the merits of the case.

The petition is, hence, dismissed.

**(ALKA SARIN)
JUDGE**

13.08.2020
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<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
