

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

CRM-M-18363-2020

Date of decision: **14.10.2020**

BALKAR SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rajinder Singh Bhatta, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.37 dated 7.4.2020 under Section 22 of NDPS Act at Police Station Mamdot, District Ferozepur.
2. The FIR was lodged on the basis of secret information to the effect that Balkar Singh (petitioner) indulges in sale of intoxicant tablets and that he was proceeding from village Lakho Ke Behram to village Jodhpur and that in case barricading is laid, he could be apprehended red-handed. Pursuant to receipt of aforesaid information, the police swung into action and raised barricading and the petitioner who was coming on motorcycle was apprehended. It is further the case of prosecution that the petitioner was carrying a bag on his motorcycle, the search of which yielded 3500

tablets of Tramadol 100-SR and 800 tables of Itazolam (0.5 mg).

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that although it is stated in the FIR that the petitioner indulges in sale of intoxicants, but in fact there is no evidence to this effect and that he is not involved in any other case. Learned counsel has further submitted that in the present case even the '*Challan*' was not present within stipulated period and as such the petitioner in any case deserves concession of bail.
4. Opposing the petition, learned State counsel has submitted that it is a case where the petitioner was caught red-handed while in possession of commercial quantity of contraband i.e. 3500 tablets of Tramadol 100-SR and 800 tables of Itazolam (0.5 mg) and that as such the petitioner does not deserve to be released on bail. Learned State counsel has further submitted that '*Challan*' in any case was presented on 30.9.2020 i.e. within 180 days after the petitioner was apprehended and that the petitioner cannot gain any advantage and cannot seek any benefit under Section 167(2) Cr.P.C. It has also been submitted that mere fact that the petitioner has not been involved in any other case as claimed by the petitioner would not guarantee his innocence. Learned State counsel has submitted that keeping in view the aforesaid facts and circumstances, the petitioner does not deserve to be released on bail.
5. I have considered rival submissions addressed before this Court.
6. It is a case of recovery of commercial quantity of contraband for which

the petitioner could not furnish any justifiable explanation. In a case of recovery of commercial quantity of contraband, as in the present case, the fetters imposed by Section 37 of NDPS Act would also get attracted in the matter of grant of bail. The instant case is a case whether the petitioner was caught red-handed while in possession of contraband. There is nothing on record at this stage from which it could be inferred that the petitioner has been falsely implicated or that if released on bail, he would not commit such offences again. As such, this Court does not find any ground for grant of bail. The petition, is sans merits and is hereby dismissed.

14.10.2020

Gaurav Sorot

**(GURVINDER SINGH GILL)
JUDGE**Whether reasoned / speaking? **Yes / No**Whether reportable? **Yes / No**