

CRM-M-18777-2020

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

CRM-M-18777-2020

Date of decision:16.09.2020

Amandeep Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anshul Jain, Advocate,
for the petitioner.

Mr. Venu Gopal Jauhar, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case FIR No.247 dated 27.11.2019 registered at Police Station City Malout, District Sri Muktsar Sahib, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act, 1985').

Learned counsel for the petitioner contends that as per the FSL report dated 09.12.2019, the Tramadol Hydrochloride weighing 99.07 mg in each tablet, comes to around 100 grams and, therefore, the intoxicating tablets allegedly recovered in the present case, fall under non-commercial quantity.

Per contra, learned State counsel while opposing the prayer made in the present petition submits that the entire recovery effected from the petitioner is to be taken into consideration and not the contents of Tramadol Hydrochloride.

CRM-M-18777-2020

I have heard the learned counsel for the parties.

As per the prosecution case, recovery of 1000 tablets containing 'Tramadol Hydrochloride' was effected, which as per notification dated 26.04.2018 falls under the NDPS Act, 1985.

In Hira Singh and another Vs. Union of India and another, 2020(2) RCR (Criminal) 523, the Hon'ble Supreme Court while answering the reference made to the larger Bench against the view taken in E. Micheal Raj Vs. Intelligence Officer, Narcotic Control Bureau, (2008)5 SCC 161, has held that on the seizure of Narcotic Drugs and Psychotropic Substance with one or more neutral substance, actual contents by weight of the drug is to be taken into consideration.

The recovery effected in the present case falls in commercial quantity. Section 37 of the NDPS Act, 1985 bars the grant of bail to the accused in case of commercial quantity.

Therefore, finding no merit in the present petition, the same is dismissed.

16.09.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No