

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 22228 of 2020
Date of Decision: 11.8.2020**

Mahinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Sudha, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

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

Learned counsel for the petitioner submits that recovery of 1000 tablets containing Tramadol Hydrochloride has been allegedly effected from the petitioner and the said recovery does not fall under the commercial quantity and the provisions of Section 37 of the Act have not been attracted. He further submits that the petitioner has been in custody since 27.11.2019 and challan has been presented in the present case.

On the other hand, learned State counsel has opposed the bail application.

I have heard the learned counsel for the parties.

In the present case, the petitioner was found in conscious possession of 1000 tablets containing Tramadol Hydrochloride. As per notification dated 26.4.2018, salt Tramadol Hydrochloride falls under the NDPS Act and the small quantity is 5 grams and the commercial quantity is 250 grams. Thus, the recovery effected from the petitioner falls under the commercial quantity and the provisions of Section 37 of the Act have been attracted. The allegations against the petitioner are serious in nature.

No ground for grant of regular bail to the petitioner is made out.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

August 11, 2020
Gurpreet

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