

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.46093 of 2018
DATE OF DECISION:15.01.2020

Saudagar Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR.JUSTICE LALIT BATRA

Present: Mr. Surjit Singh Swaich, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

LALIT BATRA, J. (Oral)

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Saudagar Singh** in case F.I.R. No.31 dated 08.05.2018 under Sections 22 and 29 of NDPS Act, 1985 (hereinafter to be referred to as 'Act, 1985') registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that alleged recovery of contraband is highly doubtful as mandatory provisions of Section 50 of NDPS Act have not been complied with. He further submits that petitioner is in custody since 08.05.2018. He further submits that final report under Section 173 Cr.P.C. has already been presented in the Court and trial has already commenced. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner (accused) in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant

petition has vehemently argued that petitioner was apprehended while having conscious possession of 1500 tablets of Microlit containing Diphenoxylate, which is a narcotic drug. He further submits that actual weight of above said tablets comes to 115 grams, whereas Diphenoxylate of weight more than 50 grams falls under commercial quantity. He further submits that prosecution witnesses are yet to be examined, thus, keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that allegedly petitioner was apprehended while having conscious possession of 1500 tablets of Microlit (Diphenoxylate), which falls in commercial quantity. Allegations against the petitioner are serious in nature. Keeping in view seriousness of offence and the fact that statements of prosecution witnesses are yet to be recorded, petitioner does not deserve the concession of bail.

As a sequel to above, instant petition for grant of regular bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

15.01.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No