

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

CRM-M-24522-2020 (O&M)

Date of decision: 29.10.2020

Sukhwinder Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Rajan Bansal, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Sukhwinder Singh @ Kala, aged about 42 years, an accused in FIR No.46 dated 21.07.2019, for an offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station Sadar Rampura, District Bathinda.

As per prosecution story, on 21.07.2019 when apprehended by the police party near culvert of canal minor on the road from Village Chauke to Badiala, he was found in possession of 24 strips each containing 10 tables TRIO-SR i.e. total 240 tablets containing salt Tramadol Hydrochloride and 70 strips of tablets Alprazolam 0.5 each of 10 i.e. total 700 tablets containing Alprazolam salt. He was accordingly arrested in this case. The contraband was seized. After completion of the

investigation, the challan against him has been filed in the Court which is pending.

Petitioner/accused had filed a petition for grant of regular bail before Judge, Special Court, Bathinda but the same was declined by the said Court, vide order dated 06.08.2020. Therefore, he has knocked at the door of this Court, craving for grant of similar relief, which request is being opposed by learned State counsel.

I have heard learned counsel for the parties besides going through the record.

The recovery of contraband effected from the accused amounts to commercial quantity attracting bar of Section 37 of the Act. Section 37 specifically provides that no person accused of an offence involving commercial quantity shall be released on bail without giving the Public Prosecutor an opportunity to oppose the application and if Public Prosecutor offers such opposition, the Court is required to record satisfaction that there are reasonable grounds for believing that the accused is not guilty of such offence and he is not likely to commit any offence while on bail.

In the instant case, the petition for bail is being vehemently opposed by the State counsel. I do not see any reason to record such satisfaction as required by Section 37 of the Act mentioned above. The trial against the petitioner is going on, which is likely to be concluded in near future for the reason that physical hearings in the Courts at district level have got resumed. Thus, considering all facts and circumstances and bar of Section 37 of the Act, no ground for grant of regular bail to the

petitioner is made out. The petition being without merit stands dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

29.10.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No