

CRM-M No.24100 of 2019

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209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24100 of 2019
DATE OF DECISION:17.01.2020

Jatinder Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR.JUSTICE LALIT BATRA

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

LALIT BATRA, J. (Oral)

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner in case F.I.R. No.76 dated 30.03.2019 under Section 22 of NDPS Act, 1985 registered at Police Station City Muktsar, District Shri Muktsar Sahib, Punjab.

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 is highly doubtful as mandatory provisions of Section 50 of NDPS Act have not been complied with. He further submits that police did not make any effort to join any independent witness. He further submits that

petitioner is in custody since 30.03.2019. 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 1220 tablets of Clovidol-100 SR containing **Tramadol Hydrochloride**, which is a Psychotropic Substance under the provisions of NDPS Act besides having conscious possession of 500 tablets of Etizolam. He further submits that FSL report depicting nature of contraband has already been received from quarter concerned. He further submits that actual weight of above said 1220 tablets of Clovidol-100 SR containing **Tramadol Hydrochloride** falls under commercial quantity. He further submits that 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 1220 tablets of Clovidol-100 SR containing **Tramadol Hydrochloride**, which is a Psychotropic Substance under the provisions of NDPS Act and falls in commercial quantity, thus, keeping in view seriousness of offence, 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

17.01.2020
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No