

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

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**CRM-M-27526-2020 (O&M)
Date of Order:18.09.2020**

Vansh @ Bobby

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.K.S.Phoolka, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

A copy of the reply has been sent on e-mail. The print-out of the reply be attached with the paper-book.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of the regular bail in a criminal case arising from FIR No.0251, dated 12.12.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sangat, Bathinda, District Bathinda.

As per the case of the prosecution, the police party saw 2 persons searching something from black-orange colour kit bag and the Assistant Sub Inspector on the basis of suspicion nabbed them. In the kit bag, 3000 tablets of Clovidol 100 SR containing salt Tramadol Hydrochloride, were recovered.

Learned counsel for the petitioner contends that there was non compliance of Section 50 of the Narcotic Drugs and Psychotropic

Substances Act, 1985, as the search was not carried out in the presence of a Gazetted Officer. He further submitted that it is also not clear that who was in possession of the kit bag at the time of occurrence.

Per contra, learned State counsel has contended that Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985, has no application because of 2 reasons. Firstly it is a case of chance recovery and secondly the search is not from the person but is from a kit bag.

This court has considered the submissions.

The recovery in the present case falls under commercial quantity. 3000 tablets of Clovidol 100 SR containing salt Tramadol Hydrochloride, are alleged to have been recovered.

On conclusion of the investigation, the challan has already been presented.

Keeping in view the aforesaid facts and without commenting on the merits, this court is of the considered view that in view of the guidelines laid down by Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, no case for grant of concession of bail to the petitioner is made out.

Hence, dismissed.

September 18, 2020
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No