

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30105-2020
Date of Decision: 06.10.2020

MAGHAR SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kulwinder Singh, Advocate for the petitioner.

Mr. IPS Doabia, Addl. AG Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of regular bail in case FIR
No. 300 dated 29.11.2018, under Section 22 of NDPS Act registered at
Police Station Bhawanigarh, District Sangrur.

Briefly, the FIR has been registered in pursuance of the
recovery of 1200 tablets of Alprazolam from the possession of the
petitioner.

It has been contended by learned counsel for the petitioner that
the petitioner is in custody for the last more than 1½ years, the trial is not
progressing on account of Covid-19 pandemic and there is lack of material
to indicate that the contraband was recovered from the conscious possession
of the petitioner. Furthermore, he is not involved in any other case under
NDPS Act.

On the contrary, learned State counsel has argued that quantity

of contraband recovered from the possession of the petitioner falls in the category of commercial quantity. Out of 11, 6 witnesses including the investigating officer have already been examined and the trial is fixed for 19.10.2020.

In the case in hand, 1200 tablets of Alprazolam (average weight 100 mg per tablet) have been recovered from the possession of the petitioner which falls in the category of commercial quantity. In such circumstances, stringent provisions of section 37 of the NDPS Act come into play. The petitioner had thrown the bag wherein the contraband was being carried on seeing the police party. As such, it will be too early to conclude that he was not found in the conscious possession of the contraband. There is nothing to suggest that petitioner has not committed the offence and is not likely to commit the offence if released on bail. Moreover, merely because the trial of the case is getting delayed on account of restricted hearing of the Courts due to Covid-19 pandemic, cannot be termed to be a ground to extend the concession of bail. The benefit of the interim bail to the undertrial prisoners on account of Covid-19 pandemic has already been extended in pursuance of the guidelines issued by the High-Powered Committee.

In these circumstances, no justified ground is made out to extend the concession of bail to the petitioner.

Dismissed.

06.10.2020

Janki

(VIVEK PURI)
JUDGE

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