

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

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**CRM-M-44648 of 2019
Date of decision: 31.01.2020**

Kulwant Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gurjot Singh Sadhrao, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana
for respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (second) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C) for grant of regular bail in case FIR No. 71 dated 06.04.2019 registered under Section 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Kalanwali, District Sirsa, Haryana.

As per the prosecution version on 06.04.2019, when ASI Tara Chand along with other police officials was present for the purpose of patrolling and checking of crime at T-Point, Makha Road Pipli, the petitioner and his co-accused Tarsem Singh were seen coming on motorcycle driven by the petitioner with a plastic sack in between them and on seeing the police party the petitioner tried to turn back. On suspicion they were apprehended by ASI Tara Chand along with his colleagues and on search 6580 tablets of Tramadol Hydrochloride and 1000 tablets of Alprazolam tablets were recovered from the plastic

sack. The petitioner being in custody since 06.04.2019 has filed the present second petition for regular bail.

Learned State Counsel has appeared and opposed the bail application.

I have heard learned Counsel for the petitioner and learned State Counsel and perused the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. No independent witness was joined at the time of alleged recovery. Mandatory provisions of the NDPS Act were not complied with. The trial is likely to take long time. The petitioner is not involved in any other case and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner is accused of having kept commercial quantity of 6580 tablets of Tramadol Hydrochloride and 1000 tablets of Alprazolam. Rigors of Section 37(1)(b) of the NDPS Act are applicable in the present case. In view of the nature of accusation, the petitioner does not deserve the concession of regular bail. Therefore, the present petition for grant of regular bail to the petitioner may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and applicability of Section 37(1)(b) of the NDPS Act due to recovery of commercial quantity of the contraband, absence of any such material for furnishing reasonable grounds for this Court to conclude that the petitioner has not committed the offence or that the petitioner will not commit any offence under the NDPS Act if released

on bail, I am of the considered view that the petitioner does not deserve grant of regular bail. Therefore, the petition is dismissed.

31.01.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

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