

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

CRM-M-1952-2020

Date of decision-22.01.2020

Bhushan Kumar

....Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lalit K.Gupta, Advocate for the petitioner.

Mr. Praveen Bhadu, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.506 dated 13.08.2019 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') registered at Police Station City Sirsa. Petitioner is in custody since his arrest on 13.08.2019.

As per the prosecution case, when the Police party was on patrol duty on 13.08.2019, the petitioner along with his co-accused was apprehended and upon search 3200 intoxicant capsules labelled as 'NRX Tramadol' were recovered.

Learned counsel for the petitioner contends that while recovering the alleged contraband, the provisions of Section 50 NDPS Act and Section 100 Cr.P.C were not been complied with. He further contends that the officer was not competent to effect the recovery. According to him,

the trial of the case is likely to consume considerable time, therefore, concession of regular bail be extended to the petitioner.

On the other hand, learned State counsel while opposing the prayer, contends that the recovery was effected from the bag carried by the accused and therefore, the provision of Section 50 NDPS Act were not applicable. It is further argued that the officer who recovered the contraband is of the rank of ASI and therefore, there is no violation of the provisions of the NDPS Act. He has further apprised that the challan stands filed on 07.11.2019 and charges were framed on 02.12.2019.

After hearing learned counsel for the parties; considering the nature and quantity of the contraband (commercial quantity) recovered from the petitioner and without commenting anything on the merits of this case, no case is made out for grant of regular bail at this stage.

Consequently, petition is dismissed.

22.01.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No