

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

201

CRM-M-3546-2021 (O&M)

Date of decision: 28.04.2021

GOPI RAM ALIAS GOPPY RAM @ JOTI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Surinder Garg, Advocate for the petitioner.
Mr. RS Thind, DAG, Punjab.

ANIL KSHETARPAL, J. (Oral)

This is third petition for grant of bail pending trial in a criminal case arising from FIR No.290 dated 01.09.2020 registered under Section 22-C of the NDPS Act, 1985, at Police Station Lambi, District Sri Muktsar Sahib.

On 04.11.2020, the previous bail application of the petitioner was dismissed with the following order:-

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

This petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.290, dated 01.09.2020, registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Lambi, District Sri Muktsar Sahib.

As per the case of the prosecution, the petitioner was apprehended with 1050 tablets Clovidol-100 SR containing salt Tramadol Hydrochloride.

Sh. Luvinder Sofar, Assistant Advocate General, Punjab, has pointed out that the case is under investigation and the report, from the Forensic Science Laboratory, has not been received.

The recovery from the petitioner falls in the category of

commercial quantity, subject to confirmation by the Forensic Science Laboratory.

Keeping in view the aforesaid facts, the present petition is disposed of with liberty to the petitioner to file a fresh application before the learned trial Court, after the receipt of report from the Forensic Science Laboratory.”

Learned counsel representing the petitioner submits that if the quantity of narcotics excluding neutral substances is taken into consideration, the recovery will fall in non-commercial category. He further submits that the trial of the case is yet to commence.

A Larger Bench of the Hon'ble Supreme Court in **Hira Singh and another vs. Union of India and another, (2020) AIR SC 3255** has held that the entire quantity including the neutral substance is to be taken into consideration while calculating the commercial quantity. Hence, this Court expresses its inability to accept the contention of the learned counsel for the petitioner.

The petitioner is in custody since 01.09.2020. The charges have already been framed by the learned Trial Court on 01.03.2021.

Keeping in view the aforesaid facts, the petition is disposed of with a request to the learned Trial Court to make sincere endeavours for expeditious conclusion of the trial of the case.

28.04.2021
ashok

(ANIL KSHETARPAL)
JUDGE

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