

CRM-M-8213-2021

Date of Decision: 01.03.2021

JASPAL SINGH @ BHOLA

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ranbir Singh Sekhon, Advocate, for the petitioner.

Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No. 226 dated 07.11.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Malout, District Sri Muktsar Sahib.

Briefly, as per the allegations of the prosecution, on 07.11.2019, the petitioner on seeing the police party threw a polythene bag being carried on his hand. The search of the bag led to the recovery of 790 tablets of Tramadol.

It has been argued by the learned counsel for the petitioner that the petitioner is in custody for the last about 01 years and 04 months, the police party was on a private vehicle and the petitioner was not in the conscious possession of the contraband.

On the contrary, it has been argued by learned State counsel that the total quantity of Tramadol tablets recovered from the possession of the petitioner is to the extent of 330 grams which falls in the category of commercial quantity.

It is pertinent to note that this is the fourth application for bail filed on behalf of the petitioner and the last one having been dismissed as withdrawn very recently on 04.01.2021. It will be too early to conclude that a false case has been planted upon the petitioner on the score that the police party was on a private vehicle and the petitioner was not in the conscious possession. It is a specific case of the prosecution that on seeing the police party, the petitioner had thrown the polythene bag which implies that he was conscious of the fact that the contraband was being carried therein. It is a case of chance recovery. Furthermore, the quantity of contraband recovered from the conscious possession of the petitioner falls in the category of commercial quantity and as such, stringent provisions of Section 37 of the NDPS Act come into play. There is nothing to suggest that the petitioner has not committed the offence and is not likely to commit the offence while released on bail.

Lastly, learned counsel for the petitioner has stated that the trial Court may be directed to expeditiously decide the matter.

In this regard, it may be mentioned here that all the trials were put to halt in the last year due to COVID-19 pandemic. I have no manner of doubt that the learned trial Court will be conscious of the fact that petitioner is in custody and will look into the aspect of expeditious disposal keeping in view the pendency in the Court.

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

The petition is, accordingly, dismissed.

01.03.2021

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No