

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(210)

CRM-M-9858-2021

Date of decision: - 08.11.2021

Ravi Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Balram Singh, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view of the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.275 dated 22.09.2020, registered under Section 22/61/85 of the Narcotics Drugs & Psychotropic Substances Act, 1985 (herein after referred as 'NDPS Act'), at Police Station City Phagwara, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case though as per the allegations, the quantity of the contraband recovered from the petitioner is commercial in nature. Learned counsel for the petitioner further submits that petitioner is behind the bars from the last more than one year,

therefore, on the basis of the custody already undergone, he may kindly be extended the benefit of regular bail.

Learned State counsel, on the other hand, submits that the quantity of the contraband recovered from the petitioner is commercial in nature. Learned State counsel further submits that keeping in view the parameters of the Section 37 of the NDPS Act, once the commercial quantity has been recovered from the petitioner and nothing has been presented before this Court that petitioner has cleared the parameters fixed under Section 37 of the NDPS Act, the prayer of the petitioner for the grant of regular bail may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As per the allegations alleged against the petitioner, 15 injections of Buprenorphine 2 Ml each and 20 injections of AVIL of 10 Mls each were recovered from him. As per the said recovery, 15 injections of Buprenorphine is commercial quantity, hence, the parameters of Section 37 of the NDPS are to be applied and nothing has been presented before this Court to show that the petitioner is innocent of the charge or the contraband recovered from him has been planted upon him to falsely implicate in this case.

Hence, keeping in view the facts and circumstances of the present case where the recovery which has been done from the petitioner is commercial in nature and the parameters of Section 37 of the NDPS Act imposes stringent conditions for the grant of bail, which do not cover the case of the petitioner, hence, no ground is made out to grant the

petitioner the benefit of regular bail only on the basis of custody undergone so far.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 08, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No