

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

223

**CRM-M-11827-2021
Date of decision:22.03.2021**

ASHOK KUMAR @ GOLDI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Fariad Singh Virk, Advocate for the petitioner.

Mr. Randhir Singh Thind, Deputy Advocate General, Punjab.

ANIL KSHETARPAL, J.

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is second application for grant of bail pending trial in a criminal case arising from FIR No.224 dated 11.09.2019 registered under Section 22 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Patran, District Patiala, Punjab.

The first application was dismissed on 06.10.2020, with the following order:-

“The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No. 224 dated 11.09.2019, registered under Section 22 & 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as “the 1985 Act”), at Police Station Patran, District Patiala.

As per the case of the prosecution, the petitioner was allegedly found in conscious possession of 1000 intoxicated tablets of white colour packed in a strip labeled as “Clovidol-100SR” (Tramadol Hydrochloride Tablets I.P.). The average weight of a tablet is 407 mg. Thus, the total weight of the intoxicated tablets comes to 407 grams, which falls in the category of commercial quantity.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of more than one year and the trial of the case is not progressing on account of the restricted functioning of the Courts due to the spread of COVID-19.

On the other hand, Mr. Randhir Singh Thind, Deputy Advocate General, Punjab, has submitted that the quantity recovered from the petitioner falls in the category of commercial quantity. He further contends that in view of Section 37 of the 1985 Act, the petitioner does not deserve the concession of regular bail.

This Court has heard the learned counsel for the parties and with their able assistance, perused the paper-book.

The alleged recovery from the petitioner falls in the category of commercial quantity. The Forensic Science Laboratory has reported that the tablets contained Tramadol Hydrochloride, a prohibited substance, Keeping in view the aforesaid facts, no ground is made out to grant the concession of regular bail to the petitioner and hence, the present petition is dismissed.”

Learned counsel for petitioner although made a sincere attempt, however, failed to draw attention of the Court to any fresh ground for bail.

Dismissed.

22.03.2021

Ayub/nt

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No