

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

CRM-M-17401-2021

Date of Decision: 19.07.2021

Sunil Kumar @ Suinilia

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sarabjit Singh Sidhu, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This petition under Section 439 Cr.P.C. is filed for grant of regular bail in F.I.R. No. 66, dated 16th May, 2020, under Sections 22 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 [hereinafter 'the Act'], registered at Police Station Bahavwala, District Fazilka.

[3] The police, acting on a secret information on 16th May, 2020 checked the motorcycle bearing registration No. RJ31-SC-8276. Yudhister and Sunil Kumar @ Suniliya were there on the motorcycle. From their motorcycle, 10 litres liquid containing Codeine Phosphate salt, 150 tablets of Alparzolan and 38 bottles Welcyrex Syrup (100 ml

each) were recovered.

[4] Mr. Sarabjit Singh Sidhu, learned counsel for the petitioner submits that petitioner is in custody since 16th May, 2020. He further submits that Section 50 of the Act was not complied with.

[5] Ms. Monika Jalota, Deputy Advocate General, Punjab opposes the prayer for grant of bail and submits that the recovery of commercial quantity of NDPS products was made from their motorcycle. She relies upon Section 37 of the Act to oppose bail.

[6] The recovery is of commercial quantity from the petitioner. The issue with regard to compliance of Section 50 is debatable and would be subject matter of trial.

[7] Considering the facts in totality, no ground is made out for grant of bail.

[8] At this stage, after completion of order, learned counsel for the petitioner seeks permission to withdraw the present petition.

[9] The petition is dismissed as withdrawn.

[10] It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

19th July, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No