

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

CRM-M-19777-2021 (O&M)

Date of decision : 24.05.2021

Sarabjit Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Narender Singh Kamboj, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG Punjab.

ALKA SARIN, J. (ORAL)

Taken up through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim bail to the petitioner in FIR No.0022 dated 31.01.2021 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City-1, Sangrur, District Sangrur.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case and as per the Panchayati resolution which had been placed on record before the Lower Court, it has been stated that the petitioner had gone to pay obeisance at Mastuana Sahib Gurudwara on 24.01.2021 where an annual fair is held for three days.

Learned counsel for the State, on instructions from SI Jagsir Singh, has contended that the petitioner and the co-accused were apprehended at the spot and 75 intoxicant bottles of Wincriex-100 ML, batch No.WCRX-1175, Mfd-Dec.2020, Exp-Nov.2022 were recovered from them. It has further been contended that FSL Report has also been received and as per the FSL Report the contents of the intoxicant bottles recovered have been found to be of 'Codeine Phosphate' and the quantity clearly falls within the commercial quantity and, hence, the rigors of Section 37 of the NDPS Act would be clearly attracted.

I have heard learned counsel for the parties.

In the present case the petitioner along with the co-accused had been apprehended at the spot along with 75 intoxicant bottles of Wincriex-100 ML, batch No.WCRX-1175, Mfd-Dec.2020, Exp-Nov.2022, which as per the FSL Report is 'Codeine Phosphate' and the quantity falls within commercial quantity. The Panchayati resolution which is sought to be relied upon by learned counsel for the petitioner cannot not be looked into at this stage and could be gone into only at the time of trial.

In view of the above, I do not deem this to be a fit case for grant of interim bail to the petitioner and accordingly the present petition is dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

(ALKA SARIN)
JUDGE

24.05.2021
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO