

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(212)

CRM-M-20621-2021
Date of decision:- 25.08.2021

Sandeep Singh @ Gora

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Tribhawan Singla, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail in case FIR No.0138 dated 11.11.2020 under Sections 22(c) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "the NDPS Act"), registered at Police Station Sadar Rampura, District Bathinda.

As per the prosecution case, FIR (Annexure P-1) was registered, when the petitioner, who was riding a motorcycle, was apprehended with a plastic bag containing 600 strips of RADOL-100 (Tramadol).

Counsel for the petitioner contends that the petitioner has been falsely framed and no recovery was effected from him. He submits that at

the time of search and seizure, the mandatory provisions of the NDPS Act have not complied with.

Per contra, learned State counsel, upon instructions from ASI Amritpal Singh, has opposed the petition and submitted that the contraband recovered from the petitioner was found to be containing salt Tramadol and its weight is 3.6 kg, which falls within the ambit of commercial quantity. Upon further instructions, he submits that challan has been presented on 01.02.2021, charge has been framed on 24.02.2021 and 10 out of 13 prosecution witnesses have been examined.

Having considered the facts and circumstances of the case, this Court is of the view that the petitioner is not entitled to the concession of regular bail. The quantity of contraband recovered from the petitioner falls in the category of commercial quantity and the bar as contained in Section 37(1)(b) of the NDPS Act is attracted. Furthermore, the trial is at an advance stage, which fact does not warrant grant of bail to the petitioner.

Petition is accordingly dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

25.08.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No