

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRM No. M-22232-2021

Date of Decision : 16.06.2021

Naresh Kumar alias Raju

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rajinder Singh Rangpuri, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 126, dated 08.05.2021, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Sri Muktsar Sahib.

Learned counsel for the petitioner argues that petitioner has wrongly been involved in the present case and rather, the recovery of the banned substance has been planted upon him. Learned counsel for the petitioner submits that the banned substance was recovered from the road and, therefore, the petitioner be granted the benefit of regular bail during the trial.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the

respondent-State. Learned State counsel submits that from the petitioner, 320 intoxicating tablets of Etizolam 0.5 mg were recovered and the total quantity of the said intoxicant is 31 grams, whereas the quantity over 2.5 grams is commercial quantity. Learned State counsel further submits that on seeing the police, the petitioner threw the banned substances on the ground and, therefore, petitioner cannot claim that he is not related to the banned drug, which was found lying on the ground. Learned State counsel submits that keeping in view the nature of recovery of the banned substance, the petitioner be not granted the benefit of regular bail as being prayed.

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

In the petition, though it is being said that the petitioner has wrongly been framed but nothing has been mentioned as to why the petitioner has been chosen by the respondents to be framed in the present case and by whom. No allegation has come against the officials, who are stated to be inimical towards the petitioner so as to frame him in the present case. In the absence of any averment or any evidence to the said effect, the bald plea of the petitioner that he is being framed on the asking of some police officials, cannot be accepted at this stage.

Further, the argument of the learned counsel for the petitioner that the drugs were recovered from the road cannot be accepted as the allegation is that on seeing the police party, the petitioner had thrown the banned substance on the ground, which was recovered from the said site. The quantity of the banned drug recovered from the petitioner is huge, hence, the petitioner does not deserve the benefit of regular bail keeping in view the stringent provision provided under Section 37 of Narcotic Drugs

and Psychotropic Substances Act, 1985.

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.

June 16, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No