

GURWINDER SINGH @ RAVINDER SINGH ... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. PKS Phoolka, Advocate for the petitioner.

Mr. V.G.Jauhar, Sr. DAG Punjab.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

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VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No. 246 dated 16.10.2019 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Canal Colony (Bathinda), District Bathinda.

Briefly, the FIR has been registered in pursuance of the recovery of 850 tablets of Clovidol and 800 tablets of Prozolam from the petitioner and the co-accused namely Subhash Kumar.

It has been contended by learned counsel for the petitioner that the petitioner is in custody for the last about one year and 10 months, the trial of the case is not progressing and as per his information no other case under NDPS Act is pending/decided against the petitioner.

On the contrary, while opposing the bail application it has been contended by learned State counsel that Tramadol and Alprazolam have

been detected in the contraband to the extent of 345.23 gms and 114.56 gms respectively which amounts to commercial quantity. Furthermore, the petitioner is also involved in another case bearing FIR No. 26 dated 7.2.2018 under Section 15 of NDPS Act, Police Station Sangat.

Merely because the trial of the case is not progressing on account of Covid-19 Pandemic cannot be termed to be a ground to extend the concession of bail particularly because the case of the petitioner is not covered by the parameters for granting interim bail as laid down by the High-Powered Committee. Two contrabands have been recovered from the possession of the petitioner and both fall in the category of commercial quantity. In these set of circumstances, stringent provisions of section 37 of NDPS Act come into play. There is nothing to suggest that the petitioner has not committed the offence and is not likely to commit the offence while on bail. Though it has been asserted in the bail application that no other case under NDPS Act is pending/decided against the petitioner but the custody certificate indicates the pendency of another case under NDPS Act which has been registered prior to the present case. As such, no exceptional circumstances are made out to extend the concession of bail to the petitioner.

Dismissed.

30.06.2021

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No