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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23444-2021

Date of Decision: 01.07.2021

Yudishtar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Priyanshu Kamra, 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 Section 22, 29, 61, 85 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 [hereinafter 'the Act'], registered at Police Station Bahav wala, District Fazilka.

[3] The police received a secret information that Yudishtar (petitioner) and Sunil Kumar @ Sunilia were selling intoxicating bottles and tablets. There were coming from Sitto Gunno via Dabhwali on motorcycle bearing registration No. RJ-31SC-8276. Acting upon the information, a *naka* was set up on Dabhwali road. The motorcycle

driven by Sunil Kumar and pillion rider Yudishtar was checked. They had kept polythene bag between them. Deputy Superintendent of Police was called on the spot. On checking following material was recovered:-

10 Lts. Orange coloured liquid material (Codeine Phosphate)
(38 bottles, average quantity 100 ml (38x100=3800 ml)

150 Tablets, average weight 129.13 mg
(150x129.13=19.36 gram ALPRAZOLAM)

[4] Learned counsel for the petitioner submits that petitioner is in custody since 16th May, 2020, no recovery is to be made and he is not involved in any other case under the Act.

[5] Learned State counsel opposes the grant of bail. On instructions, she argues that recovery is of commercial quantity. She relies upon Section 37 of the Act.

[6] Recovery from the petitioner is of commercial quantity. Merely the period of custody will not be considered for grant of bail. No case is made out for grant of bail.

[7] The petition is dismissed.

[8] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

1st July, 2021
pankaj barweja

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