

CRM-M-24142-2021 (O&M)

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Through video conference

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

**CRM-M-24142-2021 (O&M)
Decided on: November 29, 2021.**

Gurpiar Singh @ Sonu

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Karanjeet Singh Brar, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present **third** petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.159 dated 13.11.2019, under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bahav Wala, District Fazilka.

Learned counsel for the petitioner has submitted that the petitioner is in custody since the date of FIR i.e. 13.11.2019 and as per the allegations there was recovery of 3500 tablets of Clovidol- 100 SR which

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contained tramadol hydrochloride salt. He submitted that the petitioner has clean antecedents and is not involved in any other case and considering the custody period, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that case of the petitioner is hit by the bar contained under Section 37 of the NDPS Act because in the present case the recovery made from the possession of the petitioner falls under the commercial quantity. He submitted that although there is no other case against the petitioner but there is no ground available with the petitioner to make departure from the bar contained under Section 37 of the NDPS Act.

I have heard the learned counsel for the parties.

The alleged recovery in the present case is of 3500 tablets from the petitioner which contained tramadol hydrochloride salt and falls within the ambit of commercial quantity. Further, there is no ground available with the petitioner to make departure from the bar contained under Section 37 of the NDPS Act. Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

November 29, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No