

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

CRM-M-26154-2021
Date of decision : 19.07.2021

LALIT SHARMA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Brijesh Nandan, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab.

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

VIVEK PURI, J. (Oral)

The petitioner is seeking bail under Section 439 Cr.P.C in the case bearing FIR No.94, dated 02.07.2019, registered under Sections 21/22/61/85 of Narcotic Drugs & Psychotropic Substances Act (for short 'the Act') at Police Station Ranjit Avenue, District Amritsar.

Custody certificate of the petitioner has been filed by the respondent-State in the Court today through email and the same is taken on record.

Precisely, the case has been registered against the petitioner in pursuance of the recovery of 1000 intoxicant tablets and 20 grams of heroin being carried by him.

It has been contended by the learned counsel for the petitioner that the petitioner is in custody for the last about two years and the conclusion of the trial is likely to take some time. Furthermore, the mandatory provisions of Section 50 of the Act have not been complied with. Moreover, no independent witness has been joined during the process of recovery.

Learned State counsel has resisted the application on the score that it is a case of chance recovery, *Tramadol* has been found in the contents of loose tablets and the weight of the tablets comes out to be 508 grams. As such, the quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity.

It is a case of chance recovery and it will be too early to dispute the genuineness on the version of the prosecution on the score that no independent witness has been joined at the time of recovery. 20 grams of heroin and 508 grams of *Tramadol* tablets have been recovered from the possession of the petitioner. The quantity of *Tramadol* recovered from the possession of the petitioner falls in the category of commercial quantity. In such circumstances, the stringent provisions of Section 37 of the Act comes 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. Furthermore, the incarceration of the petitioner cannot be termed to be a circumstance to extend the concession of bail, particularly because the courts are on restricted mode of hearing due to Covid-19 pandemic and the case of the petitioner does not fall in the category in which the undertrials are to be granted bail/interim bail as per the guidelines of High Powered

Committee. As such, no justified ground is made out to extend the concession of bail to the petitioner.

Dismissed.

(VIVEK PURI)
JUDGE

19.07.2021
 jyoti-II

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No