

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

202

CRM-M-26663-2021 (O&M)

Date of decision: 20.07.2021

GOPPY RAM @ JOTI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. IS Dhaliwal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

ANIL KSHETARPAL, J. (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the fourth petition for grant of bail pending trial in a criminal case arising from FIR No.290, dated 01.09.2020, registered under Section 22-C of the NDPS Act, 1985, at Police Station Lambi, District Sri Muktsar Sahib.

The previous application filed by the petitioner was dismissed on 28.04.2021 with the following order:-

“This is third petition for grant of bail pending trial in a criminal case arising from FIR No.290 dated 01.09.2020 registered under Section 22-C of the NDPS Act, 1985, at Police Station Lambi, District Sri Muktsar Sahib.

On 04.11.2020, the previous bail application of the petitioner was dismissed with the following order:-

conference on account of restricted functioning of the Courts.

This petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.290, dated 01.09.2020, registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Lambi, District Sri Muktsar Sahib.

As per the case of the prosecution, the petitioner was apprehended with 1050 tablets Clovidol-100 SR containing salt Tramadol Hydrochloride.

Sh. Luvinder Sofar, Assistant Advocate General, Punjab, has pointed out that the case is under investigation and the report, from the Forensic Science Laboratory, has not been received.

The recovery from the petitioner falls in the category of commercial quantity, subject to confirmation by the Forensic Science Laboratory.

Keeping in view the aforesaid facts, the present petition is disposed of with liberty to the petitioner to file a fresh application before the learned trial Court, after the receipt of report from the Forensic Science Laboratory.”

Learned counsel representing the petitioner submits that if the quantity of narcotics excluding neutral substances is taken into consideration, the recovery will fall in non-commercial category. He further submits that the trial of the case is yet to commence.

A Larger Bench of the Hon'ble Supreme Court in **Hira Singh and another vs. Union of India and another, (2020) AIR SC 3255** has held that the entire quantity including the neutral substance is to be taken into consideration while calculating the commercial quantity. Hence, this Court expresses its inability to accept the contention of the learned counsel for the petitioner.

The petitioner is in custody since 01.09.2020. The charges have already been framed by the learned Trial Court on 01.03.2021.

Keeping in view the aforesaid facts, the petition is

disposed of with a request to the learned Trial Court to make sincere endeavours for expeditious conclusion of the trial of the case.”

Although, learned counsel representing the petitioner made sincere endeavours, however, failed to draw the attention of the Court to any fresh ground for grant of bail. However, he contends that the petitioner is in custody for a period of more than 10 months. In the cases involving offences under the NDPS Act, 1985, the period of custody cannot be a sole ground for the grant of bail pending trial. The bail can only be granted after complying with the requirements of Section 37 of the NDPS Act, 1985.

In view thereof, no ground to grant bail is made out.

Dismissed.

However, learned trial Court is requested to make sincere endeavours for expeditious disposal of the case.

All the pending miscellaneous applications, if any, are also disposed of.

20.07.2021

ashok

Whether speaking/reasoned:

Whether reportable:

(ANIL KSHETARPAL)
JUDGE

Yes / No

Yes / No