

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

**CRM-M-29978-2021
Date of decision : 30.09.2021**

Rishi

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gurjinder Singh Thind, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

(Through Video Conferencing)

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure, seeking regular bail in FIR No.97 dated 02.05.2019, under Section 22 of NDPS, Act, 1985 registered at Police Station City Rajpura, District Patiala.

As per the prosecution, the present petitioner was apprehended along with 1700 capsules of Tramadol Hydrochloride having a weight of 1011 grams which is approximately 01 kilogram and which falls in the category of commercial quantity.

The learned counsel for the petitioner submitted that the petitioner is in custody since 02.05.2019 and after the framing of the charges two prosecution witnesses have also been examined and therefore considering

the long custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Randhir Singh Thind, learned DAG, Punjab has submitted that the petitioner has earlier also filed a petition for grant of regular bail vide CRM-M-24704-2020, which was dismissed as withdrawn on 01.09.2020. He submitted that although the petitioner is in custody from 02.05.2019 but the trial is going on and two prosecution witnesses out of the 10 witnesses have been examined. He further submitted that the bar contained under Section 37 of the NDPS Act applies in the present case in view of the fact that the 1700 capsules of Tramadol Hydrochloride in the weight of 1011 gram was confiscated from him and which falls in the commercial quantity. He submitted that there is no ground available with the petitioner to make a departure from the bar contained under Section 37 of NDPS Act and therefore, the present petition is liable to be dismissed.

I have heard the learned counsel for the parties.

Although, the petitioner is in custody from 02.05.2019 but after the framing of the charges two prosecution witnesses had already been examined. The petitioner was allegedly caught with contraband which is of a commercial quantity and therefore, the bar contained under Section 37 of the NDPS Act would apply in the present case. The petitioner has not been able to make out any ground for departure from the bar contained under Section 37 of the NDPS Act.

In view of the above, no ground is made out for interference to grant regular bail to the petitioner.

Consequently, the present petition is hereby dismissed.

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

(JASGURPREET SINGH PURI)
JUDGE

30.09.2021
rakesh

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