

CRM-M-29893-2021

Date of decision: 05.08.2021

GURMEET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bikramjeet Singh Jatana, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner on behalf of the respondent-State
has been filed and the same is taken on record.

Gurmeet Singh-petitioner is seeking regular bail in the case bearing
FIR No. 54 dated 02.05.2019 under Section 22 of Narcotic Drugs & Psychotropic
Substances Act, 1985, registered at Police Station Jhunir, District Mansa.

This is the fourth application for regular bail. Precisely, the case has
been registered against the petitioner in pursuance of the recovery of 2000 tablets
of Etios and 500 tablets of Tramadol Hydrochloride.

It has been contended by the learned counsel for the petitioner that
Etios does not fall within the ambit of NDPS Act, the petitioner is in custody for
the last about two years, the trial is not progressing on account of Covid-19
Pandemic and is not involved in any other case.

On the contrary, the learned State counsel has opposed the bail
application on the score that the quantity of Tramadol Hydrochloride recovered
from the possession of the petitioner is to the extent of 429.85 grams which falls in
the category of commercial quantity. Moreover, the case of the petitioner does

not fall in the category of the under trials who have to be released on bail/interim bail in pursuance of the guidelines issued by the High Powered Committee.

In the instant case, this is the fourth application for bail filed on behalf of the petitioner, the last one having been dismissed as withdrawn on 26.03.2021. The learned counsel for the petitioner has mainly laid stress that the trial is getting delayed on account of Covid-19 Pandemic but it has been conceded that the case of the petitioner does not fall in the category of the under trials who have to be released /interim bail in pursuance of the guidelines issued by the High Powered Committee.

It may be mentioned here that the quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity. As such, stringent provisions of Section 37 of the NDPS Act come into play. There is nothing to suggest that the petitioner has not committed offence and is not likely to commit the offence while on bail. No ground is made out to extend the concession of bail to the petitioner.

As the petitioner is in custody for the last about two years and only two witnesses have been examined, the learned trial Court will look into the feasibility of expeditious disposal of the case keeping in view the guidelines issued with regard to the restricted hearing on account of Covid-19, Pandemic.

In view of the above, the present petition is dismissed.

05.08.2021
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(VIVEK PURI)
JUDGE

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