

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

215

CRM-M-34083-2021 (O&M)

Date of decision: 27.08.2021

AMIT MITTAL @ HAPPY

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. JS Sandhu, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, 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 second petition for grant of bail, pending trial, in a criminal case arising from FIR No.15, dated 10.02.2019, registered under Section 22 of the NDPS Act, 1985, at Police Station Dayalpura Bathinda, District Bathinda.

On 18.11.2020, the previous petition was dismissed with the following order:-

This is third petition for grant of bail to the petitioner pending trial in a criminal case arising from FIR No.15 dated 10.2.2019 registered under Section 22 of the NDPS Act, 1985 at Police Station Dayalpura, District Bathinda.

As per the case of the prosecution the petitioner was apprehended with a consignment of 15,500 intoxicated tablets of Tremadol (Clovidol-100 SR).

On October 6, 2020, the following order was passed by this Court:-

“Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that the petitioner was carrying the consignment of TRAMADOL (CLOVIDOL 100-SR) containing 15500 tablets along with invoice of M/s B.M.W. Medicos for delivery to M/s Avneet Medicine.

Sh. Randhir Singh Thind, Deputy Advocate General,

Punjab, prays for a short adjournment to file a detailed reply. Adjourned to 16.10.2020.

Reply, if any, be filed before the next date of hearing with a copy in advance to counsel for the petitioner.

No further oral or written request for an adjournment shall be entertained.

If the reply is not filed, the Senior Superintendent of Police, Bathinda, shall be required to attend the hearing of the case through web meeting.”

A detailed affidavit has been filed by Senior Superintendent of Police Bathinda, in which it has been pointed out that the petitioner did not produce any invoice before the Investigating Officer. It has further been pointed out that the petitioner is not an employee of M/s BMW Medicos.

Keeping in view the aforesaid facts, no ground to grant concession of bail to the petitioner is made out.

Hence, dismissed.

Learned counsel representing the petitioner contends that the petitioner continues to be in custody for a period of more than 2 years and 6 months and the conclusion of trial is likely to take time.

On the other hand, learned State counsel informs the Court that the police has already filed the challan and now the matter is pending before the Court.

Keeping in view the fact that the recovery from the petitioner is 15500 tablets containing prohibited substance Tramadol and the petitioner was apprehended while travelling on his own motorcycle, this Bench does not find it appropriate to grant the concession of bail.

Hence, dismissed.

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

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

27.08.2021

ashok

Whether speaking/reasoned : Yes/No

(ANIL KSHETARPAL)

JUDGE

Whether reportable : Yes/No