

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

CRM-M-30080-2020
Date of Decision: 25.02.2021

Amit Kumar

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Harnaresh Singh Gill

Present: Mr. S.K. Arora, Advocate, for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Harnaresh Singh Gill, J.

The petitioner seeks grant of regular bail in case bearing FIR No. 74 dated 15.07.2020 under Sections 22 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the Act'), registered at Police Station Ghall Khurd, District Ferozepur.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the above noted FIR; that no separate sample of the alleged intoxicant tablets was prepared, which is in violation of para 2.2 of the Standing Order, in respect of the recovery of the contraband; that no signatures of the petitioner and the other co-accused, had been obtained on the recovery memo

and that as the FSL report has not been received yet, it cannot be said that the recovery effected from the petitioner falls under the commercial quantity. It is further submitted that the petitioner has been in custody since the date of his arrest i.e. 15.07.2020.

While emphasizing on his prayer for grant of regular bail, the learned counsel for the petitioner, relies upon the judgments of the Coordinate Benches in CRM-M-20189-2020 –Amandeep Singh @ Amna Vs. State of Punjab, decided on 10.08.2020 and CRM-M-24349-2020 – Raju Kumar Vs. State of Punjab, decided on 31.08.2020.

On the other hand, learned counsel for the respondent-State, while opposing the prayer for bail, states that the recovery effected from the petitioner falls under the commercial quantity and that in case, the petitioner is released on bail, he may commit a similar offence again.

I have heard the learned counsel for the parties.

As per the prosecution case, recovery of 640 tablets of Clovidol-100 SR was effected from the petitioner, whereas 320 tablets Clovidol-100 SR was effected from the co-accused. The recovery effected from the petitioner falls under the commercial quantity.

Having considered the rival submissions and keeping in mind the bar contained in Section 37 of the Act,

this Court does not find any ground for release of the petitioner on bail.

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

25.02.2021
ds

(HARNARESH SINGH GILL)
JUDGE

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