

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(218)

CRM-M-45970-2021

Date of decision: - 08.11.2021

Resham Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Harshit Jain, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view of the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present is the second petition filed under Section 439 Cr.P.C.
for the grant of regular bail to the petitioner in respect of FIR No.51 dated
09.04.2021, registered under Section 22 of the Narcotics Drugs &
Psychotropic Substances Act, 1985, at Police Station Sadar Dhuri,
District Sangrur.

First petition for the grant of regular bail filed by the
petitioner was withdrawn after arguing for some time by learned counsel
for the petitioner on 28.09.2021.

Learned counsel for the petitioner argues that the petitioner
has falsely been implicated in the present case and as the challan has

already been presented and the allegations are yet to be proved before the Court of Law, therefore, the petitioner may kindly be extended the benefit of regular bail as he is in custody since 09.04.2021.

Learned State counsel, on the other hand, submits that in the present case, the recovery from the petitioner is 1500 tablets of Tramadol, which is commercial quantity. Learned State counsel further submits that the petitioner was caught on the basis of a secret information that he is indulging in smuggling of intoxicant tablets and on 09.04.2021, he was found in possession of 1500 tablets of Tramadol, which is commercial in nature and there are three other cases pending against the petitioner though the same are not under the NDPS Act.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the recovery of the contraband which has been done from the petitioner is commercial quantity, hence, the petitioner has to clear hurdles imposed by Section 37 of the NDPS Act for the grant of bail. Nothing has been brought before this Court to show the allegations alleged against the petitioner are false or incorrect or on whose instructions, the said contraband has been planted upon him. Petitioner is seeking the benefit of regular bail only on the basis of the custody already undergone, which is not at all permissible.

Keeping in view the facts and circumstances of the present case where the recovery which has been done from the petitioner is commercial in nature and the parameters of Section 37 of the NDPS Act imposes stringent conditions for the grant of bail, which do not cover the

case of the petitioner, no ground is made out to grant the petitioner the benefit of regular bail, at this stage.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 08, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No