

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

203

CRM-M-41284-2020 (O&M)
Date of decision: 25.01.2021

Sukhpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The hearing of this petition has been taken up through video conferencing on account of outbreak of Covid-19 Pandemic.

CRM-1323-2021

For the reasons given in the application, same is allowed.

Main petition i.e. CRM-M-41284-2020 is ordered to be treated as second petition for grant of regular bail instead of first petition.

Main case

This is the second petition for grant of regular bail to the petitioner in case FIR No.0030, dated 20.03.2020, registered under Section 22 of the NDPS Act No.61 of 1985, at Police Station Balianwali,

District Bathinda.

As per the version of the prosecution, three persons, namely, Ram Singh, Sukhpreet Singh (present petitioner) and Surjit Singh were apprehended when they were fumbling with a transparent envelope, which was lying on the seat of motorcycle. From the recovery effected, it was found that three accused were carrying 2600 tablets of Clovidol and 1400 tablets of Alprazolam. All the three were arrested on the spot.

Counsel for the petitioner has argued that the story as projected in the FIR is highly improbable. It is his submission that the mandatory provisions of the NDPS Act have not been complied with. He contends that the petitioner is in custody since 20.03.2020, the challan has been presented and the charges have been framed, therefore, the petitioner deserves to be enlarged on bail. He further points out that the petitioner is not involved in any other criminal case.

Per contra, learned State counsel upon instructions from ASI Chamkaur Singh, has opposed the petition. He submits that the petitioner was caught red-handed on the spot and the contraband recovered from him falls within the category of commercial quantity under the NDPS Act. As per his instructions, the total weight of the contraband is 655 grams of Clovidol and approximate 60 grams of Alprazolam.

I have considered the rival submissions of the parties.

The petitioner had filed a petition for grant of regular bail (CRM-M-16316-2020) which was dismissed as withdrawn after arguing on 31.07.2020. The petitioner has not been able to show any change in

circumstances or factual situation, after withdrawal of the first petition. Moreover, the contraband recovered from the petitioner is heavy and falls within the ambit of commercial quantity under the NDPS Act. The bar as contained in Section 37 of the NDPS Act is attracted and the petitioner is not entitled for grant of regular bail.

The petition is, accordingly, dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

25.01.2021

pooja saini

(SUVIR SEHGAL)**JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No