

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

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**CRM-M-47312-2021
Date of Decision:17.11.2021**

ASHUTOSH KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gaurav Kalki, Advocate for
Mr. H.S. Batth, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

This is the third petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.77, dated 13.06.2019 registered for offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short - “the Act”) at Police Station Satnampura, District Kapurthala.

As per the case of the prosecution, FIR, has been registered on the allegation that 1235 tablets were recovered from the person of the petitioner, which on weighing were found to contain 743.37 grams of *Tramadol Hydrochloride*.

Counsel for the parties have been heard.

The petitioner had approached this Court twice earlier. His first petition (CRM-M-52583-2019) was withdrawn after arguments on 18.08.2020 and the second petition (CRM-M-39557-2020) was dismissed on 12.03.2021.

As per State counsel, 03 out of 06 prosecution witnesses already stand examined, the trial has already progressed substantially. Moreover, contraband recovered from the petitioner falls within the ambit of commercial quantity and the bar as contained under Section 37 of the Act is attracted.

The concession of regular bail cannot be granted in the above circumstances.

Petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

17.11.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No