

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

Criminal Misc. No.M-2606 of 2022(O&M)

Date of Decision: March 22, 2022

Charan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.N.S.Sodhi, Advocate for the petitioner.

Mr.Rehat Bir Singh Mann, DAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.196 dated 07.11.2020 under Sections 22 (Section 29 also added later) of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Mamdot, District Ferozepur.

The allegations against the petitioner are that on 07.11.2020 while ASI Nirmal was out on patrol with a police party, a secret information was received that the petitioner who is habitual of selling intoxicant tablets would be going from village Lakha Singh Wala to Hazara Singh Wala in a Swift car. On receipt of this information a *naka* was organized. The petitioner, who was driving Swift Dzire Car No.DL-5CF-4368 was intercepted by the Police. From the seat adjoining the driver seat one brown color box having 31 boxes of intoxicant tablets Tramadol Hydrochloride 100 Mg SR Tablets Radal 100 Batch No.1701120 were recovered. Each box contained 600 tablets. The total recovery was 18600 tablets.

Ld. counsel for the petitioner states that the petitioner is behind bars

for the last about one year and four months. Investigation in the case has been completed and challan has been filed. However the trial of the case has not progressed.

He stressed that there are number of infirmities in the case. There is non-compliance of Sections 42, 43 and 52-A of the NDPS Act. He contended that in the present case information was not sent to any senior officer within 72 hours of receipt of the secret information. No independent witness was joined at the time of recovery. Recovery was not made in the presence of a Gazetted Officer. The recovery was made on 07.11.2020 and the sample was sent to FSL on 11.11.2020. There is thus an unexplained delay in sending the sample to the FSL. He argued that on account of these and other infirmities which cast a doubt on prosecution case, the petitioner ought to be released on bail.

It is not possible to accept the contentions of the petitioner. The existence of infirmities and their effect on the prosecution case can only be determined at the trial. The recovery from the petitioner is huge. Thirty one parcels each containing one strip of ten tablets were sent for FSL examination. The seal of the parcels were found intact and tallied with the specimen seal. All these parcels were found to contain Tramadol Hydrochloride.

No ground is made out for grant of bail to the petitioner at this stage.

Dismissed.

March 22, 2022

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No