

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(219)

CRM-M-3121-2022

Date of decision:- 20.07.2022

Pankaj

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anil Kumar Malik, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No.184 dated 01.11.2018, registered for offences under Section 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”), at Police Station Division No.5, Jalandhar, District Jalandhar, Annexure P-1.

Version of the prosecution is that the petitioner, who was travelling on foot, was stopped on suspicion by a police party, but he tried to flee and throw a plastic bag being carried by him. On checking, the bag was found to be containing 1700 intoxicant tablets, which on analysis were found to contain Tramadol Hydrochloride.

Heard counsel for the parties.

The total weight of the contraband recovered from the petitioner is 1020 grams, which falls within the ambit of commercial quantity as per the notification issued under the provisions of the NDPS Act. The bar under Section 37 of the NDPS Act, therefore, comes into play. Furthermore, as submitted by the State counsel upon instructions, six out of eight prosecution witnesses have been examined and the remaining two have been summoned for the next date. The trial, is therefore, at an advanced stage.

First petition (CRM-M-48235-2019) preferred by the petitioner was rejected by this Court by a detailed order passed on 04.03.2021. Mere fact that a period of one year has lapsed since then, would not give any advantage to the petitioner as the provisions of Section 37 of the NDPS Act are very stringent and the conditions laid down therein are not fulfilled. In these circumstances, this Court is of view that the petitioner does not deserve to be released on bail.

Petition is meritless and is hereby dismissed.

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

(SUVIR SEHGAL)
JUDGE

20.07.2022
Kamal

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