

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(215)

CRM-M-8141-2022

Date of decision: - 21.07.2022

Sumit Kumar @ Seepa

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Nirmaljeet Singh Sidhu, Advocate,
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.145 dated 16.07.2020 (Annexure P-1), under Sections 22/25/29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Sadar Bathinda, District Bathinda.

Learned counsel for the petitioner has submitted that even as per the FIR, the recovery effected in the present case is from two persons and not from the present petitioner alone. It is further submitted that the petitioner was the conductor of the truck from which the recovery has been made and not the driver of the same. Learned counsel for the petitioner has further submitted that the petitioner has been in custody since 16.08.2020 and out of total 21 witnesses, only two have been

examined and thus, the trial is likely to take time.

Learned State counsel on other hand has opposed the present petition for regular bail and has submitted that in the present case, the recovery is very heavy, inasmuch as, 1,00,000/- intoxicant tablets weighing about 41000 grams have been recovered from the present petitioner. It is contended that the commercial quantity with respect to Tramadol Hydrochloride starts from 250 grams. It is further submitted that the recovery has been made from the tyres of the truck in which the present petitioner as well as the other accused were present and the petitioner was in conscious possession of the said intoxicant tablets and the bar under Section 37 of the NDPS Act, would operate in the present case and thus, the petitioner does not deserve the concession of regular bail.

This Court has heard learned counsel for the parties and has perused the paper book.

The FIR in the present case was registered on the statement of SI/Rajvir Singh, who had stated that he was posted at CIA-1 Bathinda along other police officials and in a government vehicle, they were in search of suspected persons and while going through Multanian Road towards the Ring Road side, reached near T-point Malaut Road, when an 18 tyres truck was seen parked on the road front side of Choice Dhaba, where two persons were trying to open the conductor side tyre and after seeing the vehicle of the police party, they took turn and tried to hide themselves and on suspicion, the complainant stopped the vehicle and with the help of his co-officials, apprehended the said persons and asked

them their names and addresses. The first person was the truck driver and disclosed his name as Sukhdeep Singh @ Seepa s/o Harnek Singh and the second person who was the conductor of the truck disclosed his name as Sumit Kumar @ Seepa s/o Baljit Kumar (present petitioner). The SI present had informed that he had suspicion that some intoxicant tablets were present in the truck and after following due procedure, he called the competent investigating officer and thereafter, SI Harjeevan Singh arrived and apprehended the truck driver and the conductor and one Ladwinder Singh @ Laddi son of Kamaljit Singh, was joined as independent witness. Thereafter, the petitioner and other co-accused were given the option of the truck being searched in the presence of Gazetted Officer or Magistrate, in accordance with law and the accused stated that they wanted to be searched in the presence of Gazetted Officer and thus, memo of consent was recorded and thereafter, DSP(D) Paramjit Singh Dod came on the spot and the search was conducted in accordance with law and from the free excel tyre it was seen there was no tube and from each of the four free excel tyres, 50 cartons each, containing intoxicant tablets, totalling 1,00,000 intoxicant tablets, marked as "Clovidol 100- SR" were recovered.

In the present case, the recovery effected is of huge quantity and from the prosecution case, it is *prima facie* clear that the said recovery is from the conscious possession of the petitioner and co-accused and thus, keeping in view the bar under Section 37 of the NDPS Act, the petitioner does not deserve the concession of regular bail, at this stage and accordingly, the present petition is hereby dismissed, at this

stage.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 16.07.2020 and thus, prayed that the trial be expedited in the present case.

Keeping in view the custody of the petitioner, the trial Court is requested to expedite the trial and to conclude the same as expeditiously as possible.

The State as well counsel for the accused appearing in the trial Court are directed to assist the trial Court in expeditious disposal of the trial.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

July 21, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No