

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

CRM-9683-2021 (O&M)

Date of decision: 18.02.2022

Sukhsagar Pal

...Petitioner

Versus

State of Punjab

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Kirat Pal Dhaliwal , Advocate for the petitioner
Mr. Ayush Sarna, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

This is the petitioner's second attempt to get bail pending trial in a criminal case arising from FIR no.68, dated 30.10.2019, registered under Section 21, 22, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Thulliwal Barnala, District Barnala.

The first bail petition was dismissed by this Court on 10.08.2020, while passing the following order:-

The petitioner prays for bail pending trial in a criminal case arising from FIR No.68 of 30.10.2019 registered under Sections 21, 22, 25, 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Thulliwal, District Barnala.

In brief, the case of the prosecution is that on the basis of secret information received, three accused persons were apprehended with 1,65,000 intoxicating tablets containing CLOVIDOL-100 SR. Thereafter, on the disclosure statement of co-accused Ravi Kumar, the petitioner and another co-accused namely Amit Kumar were apprehended. From their custody, the recovery of 1,44,000 more tablets

containing Tramadol was made.

Learned counsel for the petitioner contends that there is no recovery from the petitioner.

On the other hand, learned counsel for the State has submitted that the recovery of 1,44,000 tablets containing Tramadol is from the petitioner with co-accused Amit Kumar. The intoxicant tablets recovered from the petitioner falls in the commercial category.

In view thereof, there is no ground to grant regular bail to the petitioner.

Accordingly, the present petition is dismissed.”

Learned counsel representing the petitioner contends that the petitioner has already suffered incarceration for a period of more than 2 years and the prosecution has failed to prove any recovery individually from the petitioner.

In the present case, the total recovery comes to 3,09,000 Clovidol-100 SR tablets containing prohibited substance under the Narcotic Drugs and Psychotropic Substances Act, 1985. In other words, the recovery of the substance is of a huge quantity. The recovery falls under the category of the commercial quantity. Hence, no ground to grant concession of bail is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

18.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE