

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

(Heard through VC)

CRM-M-9736 of 2020 (O&M)

Date of Decision: February 01, 2022

Ramesh Kumar alias Shambu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Goraya, Advocate
for the petitioner.

Mr. R.B.S. Mann, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed for grant of regular bail to the petitioner in FIR No.28 dated 20.03.2019, under Section 22 NDPS Act, registered at Police Station Shambhu, District Patiala.

Counsel for the petitioner herein would contend that the petitioner was taken into custody in the aforesaid FIR on 21.03.2019. It is submitted that the petitioner has been falsely implicated in the present case, as provisions of Sections 42 and 50 of NDPS Act have not been complied with. It is also contended that out of total 13 witnesses, 05 witnesses have already been examined and it will take sufficient time to conclude the trial, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of the respondent-State, on instructions from the Investigating Officer, would submit that a huge recovery of psychotropic tablets was effected from the petitioner herein, which falls in commercial quantity, as such, stringent provisions of Section 37 of NDPS Act are attracted in this case. It is also argued that the petitioner herein is a habitual offender and already stands convicted for a period of 10 years in FIR No.49 dated 23.03.2014, registered at Ludhiana Division, in which case now he is on bail.

I have heard learned counsel for the parties.

Section 37 of the NDPS Act bars the court from granting bail to the accused for offence involving the commercial quantity unless either of the two conditions contemplated in the said section is satisfied. A similar view has been taken by the Apex Court in the case of *State of Kerala etc. vs. Rajesh etc., 2020(1) RCR (Criminal) 818*. In the instant case, either of the two conditions as contemplated in Section 37 of the NDPS Act is not satisfied. Under these circumstances, this court is not inclined to allow regular bail to the petitioner. Accordingly, the instant petition is hereby dismissed with a direction to the trial court to conclude the trial as expeditiously as possible, preferably within a period of four months from the date of receipt of this order.

February 01, 2022

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No