

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

**CRM-M-9806 of 2022
Date of Decision:- 07.04.2022**

Pardeep Kumar alias Deepa

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Digvijay Nagpal, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for anticipatory bail to the petitioner in case having FIR No.0006 dated 15.01.2022 registered under Sections 22(c)/61/85 of NDPS Act, 1985, Police Station Malout, District Sri Muktsar Sahib, Punjab.

The counsel for the petitioner submitted that the present case comes under non-commercial quantity of contraband, as only 30 strips each containing 10 tablets of tramadol HCL SR 100 mg were stated to be recovered from the polythene bag which was thrown by applicant-Pardeep Kumar on seeing the police officials. The counsel further contended that the total quantity of tramadol hydro-chloride in the said tablets comes out to be of 95.34 grams. The counsel further

contended that the court below declined the bail application of the petitioner by observing that the aforesaid contraband comes under commercial quantity and thus, is hit by the provision of Section 37 of NDPS Act. The counsel made prayer for grant of regular bail to the petitioner.

The bail application is contested by the State counsel who submitted that investigation in the case is still going on.

Admittedly, as per the FIR 30 strips each containing 10 tablets of tramadol HCL SR 100 mg were recovered from the polythene bag which was thrown by the petitioner on the ground on seeing the police officials. The remaining recovery of 30 strips each containing 10 tablets of tramadol prolonged release 100mg and 80 strips each containing 10 tablets of tramadol hydro-chloride 100mg is relating to the polythene bag which was thrown by co-accused Ajay, on seeing the police officials. The copy of the report of FSL is available on record. As per which, each tablet relating to present petitioner was found to be containing tramadol hydrochloride and average weight was 317.80mg. So the total weight of 300 tablets stated to be recovered from petitioner comes out to be 95.34 grams which is covered under non-commercial quantity of contraband and as such Section 37 of NDPS Act is not attracted in the case of petitioner. The petitioner was arrested from the spot on 15.01.2022 and is presently lodged in judicial custody. The report of FSL has also been received.

In these circumstances, no purpose is going to be served by keeping the petitioner in custody for any further period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is hereby ordered to be released on regular bail subject to furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned during the pendency of the trial.

07.04.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No