

CRM-M-12748-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12748-2021
Reserved on: 12.09.2022
Pronounced on: 28.09.2022

Manpreet Singh @ Raju ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Tanisha, Advocate for
Mr. Vinay Kumar Gupta, Advocate for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
196	08.10.2020	Dharamkot, Distt. Moga	22 of NDPS Act

1. The petitioner, incarcerated upon his arrest for possessing a commercial quantity Tramadol in 2850 tablets, in violation of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act), has come up before this Court under Section 439 of CrPC, seeking bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. On 8th October 2020, based on a prior information, the police had recovered 2850 tablets from the petitioner's possession.
4. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. While opposing the bail, the contention on behalf of the State is that the quantity of contraband involved in the case falls in the commercial category.

REASONING:

6. As per prosecution, the quantity allegedly involved in this case is commercial. Given this, the rigours of S. 37 of the NDPS Act apply in the present case. The burden is on the petitioner to satisfy the twin conditions put in place by the Legislature under Section 37 of the NDPS Act.

CRM-M-12748-2021

7. The petition states that the accused is entitled to bail because he was picked up from a different place and wants this court to view video. However, there is nothing before this court to identify the petitioner with the person in video. Be that as it may, this is subject to tendering in evidence per law.

8. A perusal of the bail petition and the documents attached, prima facie points towards the petitioner's involvement and does not make out a case for bail. The grounds taken in the bail petition do not shift the burden placed by the legislature on the accused under S. 37 of the NDPS Act. The petitioner has not stated anything to discharge the burden put by the stringent conditions placed in the statute by the legislature under section 37 of the NDPS Act. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so. Thus, the petitioner has failed to make a case for bail at this stage.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed. All pending applications, if any, stand disposed.

Trial be expedited on priority.

(ANOOP CHITKARA)
JUDGE

28.09.2022
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.