

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18562-2021
Date of Decision: 03.08.2022

Kuldeep Singh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajpreet Brar, Advocate, for
Mr. J.S. Gill, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 0009 dated 06.01.2021, under Section 22 (C) of NDPS Act, registered at Police Station Sadar Dabwali, District Sirsa.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 06.01.2021 and challan has been presented but the charges have not been framed till date and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has stated that it is a case where the police party saw a truck and the petitioner was sitting in the truck alongwith other person from where there has been a confiscation of 1900 tablets of Tramadol and the search was conducted in the presence of a Magistrate

appointed by the Deputy Commissioner and all the provisions of the NDPS Act were complied with. He further submitted that confiscated quantity falls in the category of commercial quantity under the NDPS Act and therefore, the prayer of the petitioner for grant of regular bail is hit by the bar contained under Section 37 of the NDPS Act. He further submitted that there is no ground available with the petitioner for seeking a departure from the bar contained under Section 37 of the NDPS Act.

I have heard the learned counsel for the parties.

The alleged recovery from the petitioner and the other co-accused was 1900 tablets of Tramadol and as per the learned State counsel the provisions of Section 50 of the NDPS Act were complied with. No ground has been made out in the present case for seeking departure from the bar contained under Section 37 of the NDPS Act.

In view of the aforesaid position, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

03.08.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No