

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

216

CRM-M-20735 of 2022 (O&M)

DECIDED ON: 27th May, 2022

Shivam Kumar

....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. I.S. Dhaliwal, Advocate for petitioner.

Mr. Amit Mehta, Sr. DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This is fourth petition seeking regular bail in case of FIR No.325 dated 9th December, 2020, under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, (for short 'the Act') registered at Police Station City Malout, District Sri Muktsar Sahib.

As per the case set up, the petitioner was apprehended on 9th December, 2020 in the area of Police Station City Malout, 1000 tablets of Alprasaft-0.5 containing Alprazolam salt was recovered.

Learned counsel for the petitioner submits that the police party at the time of checking was in a private vehicle. The challan was presented but no prosecution witness has been examined. Petitioner is not involved in any other case under the Act.

Learned State counsel opposes the prayer and submits that recovery is of commercial quantity. He further submits that *inspite of* restricted Court working, challan was presented and charges were framed. Further there would be an earnest effort to conclude the prosecution evidence at the earliest.

Without commenting upon the merits of the case, considering that the recovery from the petitioner is of commercial quantity, the issue that the police party was patrolling in a private vehicle is a fact to be proved during trial. In view of stringent provisions of Section 37 of the Act, mere custody in itself cannot be a ground for grant of bail.

Dismissed.

Since the main case has been decided, the pending application, if any is rendered infructuous.

27th May, 2022
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>