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

**CRM-M-23177-2022
Date of Decision: 25.07.2022**

Harpreet Singh @ Happy

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. N.S. Gill, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.25, dated 13.03.2021 under Sections 22/25/61/85 of the N.D.P.S. Act and subsequently added Section 29 of the N.D.P.S. Act registered at Police Station Dhanaula, District Barnala.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 13.03.2021 and investigation of the case has already been completed and charges have also been framed. He further submitted that the petitioner was falsely implicated in the present case and he was only sitting in the car and there was no recovery from his conscious possession and, therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Davinder Bir Singh, learned Deputy

Advocate General, Punjab, on instructions from ASI Balwinder Singh has submitted that it is a case where the police party had apprehended a car during the *Nakabandi* and in the car the petitioner along with another co-accused, namely, Vikramjeet Singh @ Bikkar were there and there had been a recovery of 10000 tablets of *Tramadol* from the car. He also submitted that thereafter on the disclosure statement of the co-accused, Vikramjeet Singh @ Bikkar, the name of another co-accused, namely, Vicky was nominated and from the aforesaid Vicky, there has been a recovery of 40000 tablets of *Celcidal 100 SR.*, apart from that Rs.1.5 lacs was also recovered from his house which was the drug money. He further submitted that in the present case, there was a huge recovery and the same falls in the category of commercial quantity. He also submitted that the prayer of the petitioner is hit by the bar contained under Section 37 of the N.D.P.S. Act and there is no ground available with the petitioner to make a departure from the same.

I have heard the learned counsel for the parties.

The petitioner along with other co-accused were caught with 10000 tablets of *Tramadol*, and thereafter, on the disclosure statement of the co-accused, another co-accused was nominated from whom there was a recovery of 40000 thousand tablets of *Celcidal 100 SR.* The recovered quantity falls under the commercial quantity under the N.D.P.S. Act. The learned counsel for the petitioner has not been able to make out any ground for making a departure from Section 37 of the N.D.P.S. Act. Consequently, the present petition is devoid of merit and the same is hereby dismissed.

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

purpose of decision of present petition.

25.07.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |