

CRM-M-26982-2021 (O&M)

213

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

**CRM-M-26982-2021 (O&M).
Decided on: March 21, 2022.**

Mangat Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Amit Kumar Walia, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.36 dated 8.3.2020, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 8.3.2020 and only one PW has been examined and therefore, on the basis of custody of the petitioner, he may be

CRM-M-26982-2021 (O&M)

considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that it is a case where the petitioner was caught on the spot and due procedure was also complied with in the present case. He submitted that there was recovery of 950 tablets of Clovidol-100 SR which falls in the category of commercial quantity and therefore, the prayer of the petitioner for the grant of regular bail is hit by the bar contained under Section 37 of the NDPS Act. He submitted that there is no ground available with the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act.

I have heard the learned counsel for the parties.

In the present case the petitioner was allegedly caught on the spot on the basis of secret information and there was a recovery of 950 tablets of Clovidol-100 SR containing salt tramadol hydrochloride from him. Although only one prosecution witness has been examined in the present case and the petitioner is in custody since 8.3.2020, but the petitioner has not been able to make out any ground for making departure from the bar contained under Section 37 of the NDPS Act since the confiscated quantity falls in the category of commercial quantity under the NDPS Act.

In view of above, no ground is made for the grant of regular bail to the petitioner. Consequently, the present petition is hereby dismissed.

CRM-M-26982-2021 (O&M)

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

March 21, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No