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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29680-2021
Date of Decision:09.05.2022

Sanam Deep Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ravi Gakhar, 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 for the grant of regular bail to the petitioner in FIR No. 23 dated 13.03.2021, under Sections 22/61/85 of NDPS Act, registered at Police Station Sadar Ahmedgarh, District Sangrur.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 13.03.2021 and the investigation of the case has already been completed and charges have been framed on 12.04.2022. He further submitted that the petitioner has been falsely implicated in the present case and petitioner is not involved in any other case and, therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Randhir Singh Thind, learned Deputy

Advocate General, Punjab has submitted that it is a case where there was a

recovery of 990 tablets of Celcidal-100 SR containing the salt of Tramadol Hydrochloride as per the FSL report and the total weight of the same comes to 338.58 grams which falls in the category of commercial quantity under the NDPS Act. He further submitted that the charges have now been framed on 12.04.2022 and no prosecution witness has been examined as of today and the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act since the confiscated quantity falls in the category of commercial quantity and has therefore opposed grant of regular bail to the petitioner.

I have heard the learned counsel for the parties.

In the present case the petitioner was allegedly caught alongwith 990 tablets of Celcidal-100 SR which contained the salt of Tramadol Hydrochloride as per the FSL report and total weight came out to be 338.58 grams which falls in the commercial quantity. The petitioner has not been able to make out any ground for seeking departure for the bar contained under Section 37 of the NDPS Act.

Consequently, 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.

09.05.2022

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**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No