

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-28738-2022

Date of decision : 30.8.2022

Kaka Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.247 dated 27.11.2021 registered under Sections 22 and 29 of NDPS Act at Police Station Sadar Dhuri.

Counsel for the petitioner submits that co-accused Lal Singh was arrested by the police with 150 tablets of Tramadole on 27.11.2021 and thereafter, he made disclosure that he purchased the aforesaid tablets from the petitioner. He further submits that it is not the case of the prosecution that the petitioner fled away from the spot when the aforesaid recovery was effected from co-accused Lal Singh. He further contends that the petitioner has joined the investigation by virtue of order dated 8.7.2022 passed by this Court. State counsel on instructions from ASI Raghuvinder Pal Singh has not disputed that the petitioner has joined the investigation with the police and further submits that 150 tablets recovered from possession of co-

accused comes under non-commercial quantity of contraband and that the

petitioner is not required by the police for further investigation or custodial interrogation.

The aforesaid recovery of medical intoxicants comes under non-commercial quantity as per provisions of NDPS Act as has been stated by the State counsel. So, rigors of Section 37 of NDPS Act are not applicable to the case in hand. Admittedly, the petitioner has already joined the investigation with the police.

In view of the above, the present petition is allowed and order of interim bail dated 8.7.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

August 30, 2022
Paritosh Kumar

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