

CRM-M-35091-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35091-2021
Reserved on: 14.09.2022
Pronounced on: 30.09.2022

Hardeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Jatana, Advocate for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

Mr. Imraan Farooq, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0054	19.04.2021	Bhikhi, Distt. Mansa	22(c) of Narcotic Drugs and Psychotropic Substances Act (Section 29 of NDPS Act added later on)

1. The petitioner, incarcerated upon his arrest for possessing a commercial quantity of tablets containing Tramadol, in violation of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act), has come up before this Court under Section 439 of CrPC, seeking bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. On 19th April 2021, the police while patrolling, noticed two boys, who were sitting on a bike, and trying to look for something. In the meanwhile, the Investigator noticed a transparent polythene bag containing tablets. He suspected them to be intoxicants. After that the police recovered 1750 tablets from a bag lying in-between them.
4. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. While opposing the bail, the contention on behalf of the State is that the quantity of contraband involved in the case falls in the commercial category.

REASONING:

6. Based on the report of the laboratory, the prosecution claims the recovered contraband to be commercial quantity of Tramadol. Given this, the rigours of S. 37 of

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the NDPS Act apply in the present case. The burden is on the petitioner to satisfy the twin conditions put in place by the Legislature under Section 37 of the NDPS Act.

7. The grounds taken in the bail petition do not shift the burden placed by the legislature on the accused under S. 37 of the NDPS Act. The petitioner has not stated anything to discharge the burden put by the stringent conditions placed in the statute by the legislature under section 37 of the NDPS Act. A perusal of the bail petition and the documents attached, prima facie points towards the petitioner's involvement and does not make out a case for bail. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so. Thus, the petitioner has failed to make a case for bail at this stage.

8. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed. All pending applications, if any, stand disposed.

Trial be expedited; however, if the accused seeks even a single adjournment, this order shall be deemed to have been recalled and withdrawn without any further reference to this court.

(ANOOP CHITKARA)
JUDGE

30.09.2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.