

CRM-M-37647-2021

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

**CRM-M-37647-2021
Date of decision: 04.04.2022**

Satpal @ Satya

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. A.S.Khosa, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.247 dated 28.07.2020, registered at Police Station Bhuna, District Fatehabad, under Section 22(c) and 27-A NDPS Act, 1985.

Copy of status report dated 25.03.2022 by way of affidavit of the Deputy Superintendent of Police, Fatehabad, filed in the Registry, is taken on record.

As per the prosecution version, recovery of 720 strips (containing 10 tablets each) of Alprazolam IP 0.5 mg, total weighing 1440 gram with strips, but 1029.6 gram without strips, and 100 strips (containing 10 tablets each) of Tramadol Hydrochloride Prolonged-release Tablets, total weighing 585 gram with strips, but 427 gram without strips, was effected from a bag tied with the motor-cycle bearing registration No.HR-22 K/2673.

CRM-M-37647-2021

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 29.07.2020; that the petitioner was allegedly riding the aforesaid motor-cycle, and that co-accused, namely, Kuldeep stands released on regular bail.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that the recovery effected in the present case falls in 'commercial quantity', and therefore, the petitioner is not entitled to the benefit of bail. Moreover, out of two other cases of similar nature, registered against the petitioner, he stands convicted in one case whereas acquitted in another case.

I have heard the learned counsel for the parties.

Indisputably, the extent of recovery of intoxicant tablets, effected in the present case, falls in 'commercial quantity'. Section 37 NDPS Act, 1985 bars the grant of bail to the accused in cases involving 'commercial quantity'. Moreover, the petitioner is also involved in two other cases of similar nature. He seems to be a habitual offender having repeated and continuous criminal antecedents.

Keeping in view the nature and gravity of the offence, I do not find any merit in the present petition.

Dismissed.

04.04.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No