

CRM-M-39494-2021

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

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Date of decision: 04.04.2022

Pritam

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sukhcharan Singh Gill, 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), 27-A, 29 and 31 (added later on) NDPS Act, 1985.

Copy of status report dated 26.03.2022 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

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effected from a bag tied with the motor-cycle bearing registration No.HR-22 K/2673.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner was indicted on the disclosure statement of co-accused, Kuldeep, who stands released on regular bail by this Court; that the petitioner was arrested on 18.08.2020 through production warrants; that the alleged recovery had been effected from a bag tied with the aforesaid motor-cycle occupied by the co-accused, namely, Satpal @ Satya and Kuldeep, and the petitioner has no concern with the aforesaid offences.

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, the petitioner is also involved in other case of similar nature.

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 FIR No.277 dated 29.07.2020, under Sections 22(c), 27A NDPS Act, registered at Police Station Sadar Fatehabad. He seems to be a habitual offender having repeated and continuous criminal antecedents. There are specific allegations against the petitioner that the aforesaid two co-accused had purchased the recovered intoxicant tablets from the petitioner.

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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