

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

213

CRM-M-43304-2021

Date of Decision : **May 12, 2022**

HAKAM SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.25 dated 13.3.2021 under Section 22(C), 61-85 of NDPS Act, registered at Police Station Badni Kalan, District Moga.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 13.3.2021 and the investigation of the case is complete and thereafter the challan has been presented and the charges have been framed and the matter is now fixed for prosecution evidence. He submitted that in view of the custody of the petitioner, he may be considered for the grant of regular bail.

However, on the other hand, the learned State counsel has submitted that it is a case where on the basis of a secret information, the present FIR was registered and the petitioner caught on the spot and from him there was a recovery of 2510 tablets of tramadol which falls in the

category of commercial quantity under the NDPS Act. He submitted that the proper procedure was followed under the NDPS Act and the petitioner does not have any ground for making a departure from the bar contained under Section 37 of NDPS Act.

I have heard the learned counsels for the parties.

It is a case where the petitioner as per the prosecution was caught on the spot with 2150 tablets of tramadol which according to learned counsel for the parties falls within the category of commercial quantity. The matter is fixed at the prosecution evidence stage and as per the learned State counsel, due procedure was followed. The present prayer for grant of regular bail is, therefore, hit by the bar contained under Section 37 of NDPS Act and the learned counsel for the petitioner has not been able to make out any case or ground for making a departure from the bar contained under Section 37 of NDPS Act.

Consequently, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

May 12, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No