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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-43848-2021
Date of Decision: 28.03.2022

Darshan Singh @ Dassa ..... Petitioner

Versus

State of Punjab ..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Mridula Mahal, Advocate,
for the petitioner.

Mr. P.S. Walia, DAG, Punjab.

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JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in FIR No.17, dated 31.01.2021 under Sections 22 & 25 of the N.D.P.S. Act, 1985, registered at Police Station Sardulgarh, District Mansa.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 31.01.2021, which is almost one year and two months and the investigation of the present case has already been completed and the charges have also been framed, and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. P.S. Walia, learned Deputy Advocate General, Punjab has submitted that there has been a recovery of 855 tablets of Tredol-100 containing 738 grams of *Tramadol Hydrochloride* from the petitioner and the co-accused when they were riding on a motorcycle and the petitioner was holding the packet from where he was apprehended on

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the spot. He further submitted that during the investigation it was found that the motorcycle on which they were riding, belonged to the petitioner and he was owner of the same and has submitted that the case of the petitioner is hit by the bar contained under Section 37 of the N.D.P.S. Act.

I have heard the learned counsel for the parties.

Although, the petitioner is in custody from 31.01.2021 but there had been a recovery of commercial quantity of *Tramadol Hydrochloride* Tablets from the petitioner and he was caught on the spot while holding the bag of *Tramadol Hydrochloride* Tablets, therefore, no ground can be made out for making a departure from the bar contained under Section 37 of the N.D.P.S. Act, consequently, finding no merit, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

28.03.2022 **(JASGURPREET SINGH PURI)**
Bhumika **JUDGE**

1. Whether speaking/reasoned: Yes
2. Whether reportable: Yes/No

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