

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(205)

CRM-M-41572-2020
Date of decision: - 15.02.2022

Uday Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- None for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.186 dated 03.07.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bhwanigarh, District Sangrur.

As per the prosecution case, ASI Kulwant Singh, along with other police officials was present on patrol duty at the bus stand of village Kakra when special information had been received that one Chhinda Singh son of late Raju Singh was indulging in sale of intoxicant substances and accordingly, the barricading was done and said Chhinda Singh was apprehended by intercepting car bearing No.MH-12-FZ-1322 which was being driven by him and from the search of the boot of the said

car, one plastic bag was found lying in there, which was containing 2050 strips, each strips containing 10/10 tablets of Tramadol Hydrochloride tablets 100 mg Clovidol 100 SR i.e. a total of 20,500 tablets, were recovered. The said Chhinda Singh had stated during investigation that it is the present petitioner, who had supplied the said contraband to him.

On 19.08.2021, none had appeared on behalf of the petitioner. The same was the position on 28.09.2021, 10.11.2021 and 20.12.2021. Even today, the case has been called twice, but none has appeared on behalf of the petitioner.

Learned State counsel had submitted that apart from the fact that the petitioner has been implicated in the present case for selling the said intoxicant tablets to co-accused Chhinda Singh, he is a habitual offender, as two other cases under the NDPS Act have also been registered against him i.e. FIR No.67 dated 20.07.2019 and FIR No.86 dated 18.07.2019, registered under Section 22 of the NDPS Act, which are pending. It is submitted that in addition to the above-said two cases under the NDPS Act, one more FIR No.130 dated 01.01.2016 has been registered against the petitioner under Section 138 of the Negotiable Instruments Act, 1881. It is further submitted that the recovery in the present case is that of commercial quantity and thus, the petitioner does not deserve the concession of regular bail.

This Court has heard the learned State counsel and has perused the paper book.

As per the prosecution case, it is the petitioner, who had supplied 20,500 intoxicant tablets to the co-accused Chhinda Singh, from

whom the said recovery had been effected. The petitioner is involved in two other cases of NDPS Act and one case under the Negotiable Instruments Act. The two cases under the NDPS Act are FIR No.67 dated 20.07.2019 registered at Police Station, STF 4, Dhuri and FIR No.86 dated 18.07.2019, registered at Police Station Chhajali, Sunam and both the cases have been registered under Section 22 of the NDPS Act and both are pending against the present petitioner and both the said cases have been registered in different police stations and the said two police stations are also different from the police station where the present FIR has been registered.

Keeping in view the facts noticed herein above and the fact that the recovery in the present case is of commercial quantity, the present petition for regular bail is dismissed, at this stage.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

February 15, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No