

CRM-M-43231 of 2020

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

CRM-M-43231 of 2020
Date of decision: 29.10.2022

Nirmal Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Rahul Rampal, Advocate, for the petitioner.
Mr. Amish Sharma, Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate filed in Court today is taken on record.

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in case FIR No.251 dated 12.08.2020 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Lambi, District Sri Muktsar Sahib.

As per allegations of the prosecution, on 12.08.2020, 1990 tablets of Clavidol-100 SR, which fall under “commercial quantity” were recovered from the conscious possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Petitioner is in custody since 12.08.2020 Conclusion of trial may take a long time. Therefore, petitioner may be granted the relief of regular bail.

Per contra, learned State counsel opposed the petition for grant

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of regular bail to the petitioner.

I have heard learned counsel for the petitioner as well as the learned State counsel and perused the paperbook.

An exceptionally heavy recovery of contraband has been made from the petitioner. He has not given any explanation for the commercial quantity of contraband that has been recovered from her possession. Bar as laid down under Section 37 of the NDPS Act is clearly attracted. Power to grant bail under Section 439 of the Code is subject to the conditions laid down in Section 37 of the NDPS Act, which commences with non-obstante clause. The Court is required to see as to whether there are any reasonable grounds to believe that the accused has not committed the offence and whether he is likely to commit any offence while on bail. This Court is satisfied that these conditions are not satisfied.

Keeping in view the totality of the facts and circumstances, the huge quantity of prohibited substance recovered from the petitioner, stringent provision of Section 37 as well as the fact that the trial is progressing, this Court does not deem it fit to grant regular bail to the petitioner.

Petition is dismissed.

October 29, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No