

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

214

**CRM-M No.54656 of 2021
Date of Decision: 10.10.2022**

Angrej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Ruhani Chadha, Advocate
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab
for the respondent-State.

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MEENAKSHI I. MEHTA, J. (Oral)

The petitioner herein seeks the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.231 dated 17.11.2021 registered at Police Station Dharmkot, District Moga, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') wherein the offence under Section 29 of the NDPS Act is stated to have been added later-on.

2. Bereft of unnecessary details, the allegations, as levelled against the petitioner in the present case, are that his co-accused namely Gurcharan Singh and Gurmeet Kaur had been apprehended by the police party and 1020 'Alprazolam IP-0.5 mg' tablets were recovered from their possession and as per the disclosure statements suffered by them, the petitioner had supplied the said contraband to them.

3. It is pertinent to mention here that vide the order dated 12.01.2022 passed by the Co-ordinate Bench, the petitioner had been extended the relief of ad-interim bail with the direction to join in the investigation.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that in compliance of the afore-said order dated 12.01.2022, the petitioner had joined in the investigation and the Challan has also been presented before the competent Court and therefore, the custodial interrogation of the petitioner would not be required and in these circumstances, he deserves the relief as prayed for in the present petition.

6. Per-contra, learned State counsel argues that the quantity of the contraband is the “*commercial*” one and therefore, Section 37 of the NDPS Act would be applicable to the present case and it being so, the instant petition be dismissed.

7. Concededly, the quantity of the contraband, as allegedly recovered from the possession of the above-named co-accused of the petitioner, falls within the category of the “*commercial quantity*” which attracts the rigours of Section 37 of the NDPS Act to this case. In such eventuality, the factum of the petitioner having joined in the investigation and the Challan having been presented in the Court, would not suffice at all to grant the relief of anticipatory/pre-arrest bail to the petitioner.

8. As a sequel to the fore-going discussion, it follows that the petition in hand deserves dismissal. Resultantly, the same stands dismissed accordingly.

9. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

10.10.2022
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>