

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

CRM-M-7257-2022

Date of decision : 17.03.2023

Pritam Singh @ Preeta

..... Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

**Present :- Mr. Vivek K. Thakur, Advocate
for the petitioner.**

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.73 dated 15.06.2021, under Section 22(B) of the Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Fattudhinga, District Kapurthala.

As per the facts of the case, the police party while on patrolling, stopped one person coming on foot. After seeing the police party, he got perplexed and started baffling. Thereafter, the police found one envelope which he was carrying. He threw the same on road. The police party nabbed the accused and on asking, he disclosed his name as Pritam Singh @ Preeta (petitioner). The envelope which was thrown by him was recovered and it was found to be containing 100 intoxicated tablets and 250 intoxicated capsules. Finding the same suspicious, the FIR was registered for the offence under Section 22(b)/61/85 of NDPS Act. The samples were taken and sent to the FSL. Report of FSL was received and the contraband recovered was confirmed to be Tramadol Hydrochloride and Etizolam. The total quantity of Tramadol Hydrochloride was found to be 124 grams which falls under non-

commercial quantity as per Schedule of NDPS Act and Etizolam was found to be weighing 9.700 grams which falls under the commercial quantity. The petitioner was arrested on spot. He approached the learned Judge, Special Court, Kapurthala praying for grant of regular bail. However, after hearing counsel for the parties, learned Judge, Special Court declined the same vide order dated 23.07.2021. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

It has been contended by counsel for the petitioner that the police has falsely implicated the petitioner in the present case. He submits that as per the case of the prosecution, recovery was made from the envelope which allegedly had been thrown by the petitioner on road. He submits that no independent witness was joined at the time of recovery from the petitioner and the conscious possession of the petitioner is not even proved. He submits that the petitioner was granted the interim bail when the report of the FSL was awaited and he has duly surrendered before the Court after the receipt of the same. He has submitted that from FSL report received, it is found that Tramadol Hydrochloride allegedly recovered from the petitioner falls under non-commercial quantity whereas, it is the Etizolam which falls under commercial quantity. He submits that though the petitioner was arrested in another case under the NDPS Act, however, he has already completed the sentence in that case.

Learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioner. He submits that one of the contraband i.e. Etizolam recovered from the petitioner was commercial in nature. He further submits that on seeing the police party,

the petitioner had thrown the envelope on road from which the contraband was recovered and thus, the conscious possession was also proved. However, he submits that in all there are 09 prosecution witnesses, out of which, 04 witnesses already examined and the next date before the trial Court is 01.04.2023.

I have heard counsel for the parties and perused the record. Admittedly, petitioner is behind bars since 15.06.2021. Out of 09 prosecution witnesses, 04 witnesses already stand examined. Petitioner is said to have been granted interim bail. However, he duly surrendered before the Court within time.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

17.03.2023
m.sharma

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No