

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

CRM-M-8001-2023

Date of decision : 20.02.2023

Jagmit Singh @ Jagga

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- None for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for grant of regular bail in case FIR No.25 dated 11.04.2022, under Section 22(a) of NDPS Act, 1985, registered at Police Station Ghall Khurd, District Ferozepur.

As per the facts of the case, a secret information was received by the police party when they were on patrolling regarding Jagmit Singh @ Jagga son of Chanan Singh that he is involved in business of selling intoxicant tablets in heavy quantity and was planning to supply the intoxicant tablets in the area of Ferozepur. On receipt of secret information, *ruqa* was sent to the police station for registration of the case. The *naka* was laid and the accused was intercepted by the police party. On search of the polythene bag being carried by him, recovery of 1100 intoxicating tablets of Tramadol 100 SR was effected. The petitioner was arrested and the investigation commenced. The samples taken were sent to the FSL for chemical analysis. The petitioner approached the Court of learned Judge, Special Court, Ferozepur praying for grant of bail. However, after hearing counsel for both the sides, learned Judge, Special Court declined the same

vide its order dated 27.01.2023. As per the contentions raised in the petition, the petitioner has approached this Court on the grounds that there is violation of Sections 42 and 50 of NDPS Act. It is also mentioned in the grounds of the petition that the recovery has been falsely planted on the petitioner. It is also mentioned therein that the petitioner has no criminal antecedents and thus, he deserves to be granted bail.

Learned State counsel has vehemently opposed the grounds made in the petition. He has submitted that the FIR is registered in this case on the basis of secret information. The picket was laid and the petitioner was arrested on the spot. He submits that from his conscious possession, recovery of 1100 intoxicating tablets of Tramadol 100 SR was effected. He submits that as per FSL report received, salt was established to be Tramadol Hydrochloride and the total weight of the contraband recovered amounts to 371.954 grams which falls in a commercial quantity. He submits that the investigation is complete and so far only challan has been presented. He has also submitted that besides this case, petitioner is involved in four other cases under the NDPS Act. He submits that in the facts and circumstances of the case, petitioner has no case for grant of bail.

Heard. After hearing counsel for the State and perusing the record, it is apparent that the petitioner was arrested on the basis of secret information received. The intoxicating tablets were recovered from his bag being carried by the petitioner. The samples taken was sent to the FSL and it was found to be containing Tramadol Hydrochloride and total weight of contraband recovered amounts to 371.954 grams which falls under the commercial quantity. As the recovery from the petitioner is a commercial one, provisions of Section 37 of NDPS Act are attracted in this case.

Besides this, as submitted by learned State counsel on instructions that the petitioner is involved in four more cases under the NDPS Act, this Court do not find any merit in the case and resultantly, the petition is hereby dismissed at this stage.

20.02.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No