

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10642-2023

Date of Decision: 25.08.2022

SHINGARA SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.PC is for the grant of regular bail in case bearing FIR No.191 dated 29.10.2022 (Annexure P-1) registered under Section 22 of NDPS Act, 1985 at Police Station City Samana, District Patiala.

2. The brief facts of the case are that while the police party was on patrolling duty, a young person was seen coming holding a white colour polythene bag his left hand. On seeing the police party, he threw away the bag and tried to turn back. He was apprehended on suspicion and disclosed his name as Shingara Singh (petitioner) son of Mukhtiar Singh. From the bag thrown by him, a recovery of 71 strips (710 tablets) of Tramadol Hydrochloride Tablets 100 mg Batch No.TDVD 19177 came to be effected.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was a violation of the mandatory provisions of the Act including Sections 42 and 50 of the NDPS Act. The alleged recovery has been shown on 29.10.2022 and the recovered medicine already stood expired in June, 2022. It does not stand to reason that

the petitioner had expired medicines in his possession for sale. In fact, it was easy for the Investigating Agency to procure expired medicines and plant them upon him. As the investigation completed and the petitioner had been in custody since 29.10.2022, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that commercial quantity of contraband has been recovered from the petitioner. Merely because expired medicines came to be recovered from the possession of the petitioner does not in any manner suggest that the same has been planted upon him. As the recovery was of commercial quantity of contraband, the bar contained under Section 37 of the NDPS Act did not entitle the petitioner to the grant of bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the recovery from the petitioner is of commercial quantity of contraband. The defence of the petitioner that expired medicine had been planted upon him cannot be appreciated at this stage. Further, the petitioner has not able to establish any enmity whatsoever with the Investigating Agency to substantiate his claim that the contraband had been planted upon him. As the recovery is of a commercial quantity of contraband, the bar under Section 37 of the NDPS Act would not entitle the petitioner to the grant of bail.

7. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

25.08.2022

JITESH

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