

CRM-M-10968-2023

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

CRM-M-10968-2023

Date of decision: 25.05.2023

Chandan Parkash @ Lucky @ Sonu

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.P.S.Khaira, Advocate,
for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.143 dated 23.10.2019, registered under Sections 22, 25 and 29 of the NDPS Act, at Police Station Doraha, District Ludhiana (the earlier three bail petitions being dismissed as withdrawn on 06.10.2020, 23.08.2021 and 17.12.2021).

2. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that recovery of 200 tablets of Tramadol Hydrochloride, allegedly effected from the petitioner, falls under non-commercial quantity; that the petitioner has been in custody since 28.10.2019, and that main accused, namely, Pushpinder Sehdev from whom recovery of intoxicating tablets and Vials was effected, has since been granted the benefit of regular bail by the Coordinate Bench, vide order dated 10.02.2023 (Annexure P-2). Learned counsel further contends that as many as 20 prosecution witnesses are yet to be examined, and that out of

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three other cases registered against the petitioner, under the NDPS Act, he has been released on bail in one case. In support of his contentions, learned counsel relies upon the order dated 15.03.2023 passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.1166/2023, titled as 'Chet Ram @ Ram Veer Vs. Union of India'.

3. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that recovery of intoxicating tablets/vials effected in the present case falls under commercial quantity and that Section 37 NDPS Act bars the grant of bail to the accused in case of commercial quantity. He further submits that the petitioner is a habitual offender and there are as many as three other cases registered against the petitioner, under the NDPS Act. However, learned State counsel does not dispute the custody period of the petitioner.

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

5. As per the case of the prosecution, the petitioner had acted as an accomplice of main accused Pushpinder Sehdev to commit the alleged offence and the petitioner had also got recovered intoxicating tablets, in pursuance of the disclosure statement suffered by him. In the present case, recovery of 99000 intoxicating tablets containing salt of 'Tramadol Hydrochloride', 12000 intoxicating tablets containing salt of 'Carisoma', and 500 intoxicating vials of ONEREX had been effected from the aforesaid co-accused whereas recovery of 200 tablets containing salt of 'Tramadol Hydrochloride' effected from the petitioner. The extent of intoxicating tablets/vials recovered in the present case, falls under commercial quantity. Section 37 NDPS Act bars the grant of bail to the

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accused in case of commercial quantity.

6. Moreover, pendency of as many as three other cases registered against the petitioner, under the NDPS Act, speaks volumes about his brazen antecedents. The petitioner cannot claim parity with the co-accused for the reason that there was no other case registered or pending against the petitioner, at least of a similar nature. So far as the order dated 15.03.2023 passed by the Hon'ble Supreme Court in Chet Ram @ Ram Veer (supra), is concerned, the same is not applicable to the present case having distinguishable facts. There is sufficient evidence to infer that if released on bail, the petitioner would again involve himself in similar offence.

7. Keeping in view the fact that recovery of intoxicating tablets/vials effected in the present case, falls under the commercial quantity, coupled with the fact that the petitioner has as many as three other cases registered against him, under the NDPS Act, this Court does not find any merit in the present petition.

8. Dismissed.

25.05.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No