

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

CRM-M-14049-2021

Date of Decision: 31.01.2023

Ramandeep Singh @ Vakeel @ Keela

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G.S. Sandhu, Advocate, for the petitioner.

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.159 dated 19.09.2020, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Jaito, District Faridkot.

As per facts of the case, the Police while on patrolling, was one kilometer behind the village Rameana, then a person was coming on Yamaha motorcycle. He was asked to stop and the motorcyclist tried to turn back, however, he was apprehended. He tried to throw away the transparent polythene hanging on the right handle of the motorcycle. However, the same was recovered. On checking of the polythene, Clovidol-SR boxes were seen clearly. On asking, he disclosed his name to be Ramandeep Singh @ Vakeel @ Keela. As per Section 50 of NDPS Act, the search was conducted. On carrying out the search, 1680 tablets of Tramadol Hydrochloride were recovered. The formal FIR was registered and the investigation commenced. The petitioner was arrested on the spot on 19.09.2020. Samples were taken from the contraband recovered and sent to

FSL. On the receipt of the report, the challan was presented. The petitioner approached the Court of learned Judge, Special Court, Faridkot for grant of bail, who, after hearing the parties, declined the same vide order dated 19.01.2021. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He has submitted that though the recovery made falls under the category of commercial quantity, however, there was clear violation of provision of Section 50 NDPS Act. He has submitted that the recovery is also planted on the petitioner and the FSL report received also cannot be relied upon at this stage as the only a small part of whole of the contraband was sent to the FSL and thus, the petitioner cannot be made responsible for the quantity shown to have been recovered from him. He submits that the petitioner has no criminal antecedents, as he has never been involved in any other such cases. He submits that besides the merits of the case, the petitioner is behind bars from the last two years and five months. He submits that the prosecution has not even examined half of the witnesses as on date. He submits that in the facts and circumstances keeping in view the custody period of the petitioner alongwith the merits of the case, the petitioner deserves to be granted bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner was arrested on the spot with a heavy recovery of 1680 tablets in all and after FSL report, the same were found to be containing 688 grams of Tramadol Hydrochloride. He submits that as per the provisions of

Section 37 of the NDPS Act, the petitioner is not entitled for bail as the recovery falls in the category of commercial quantity. However, on instructions from ASI Shamsher Singh learned State counsel has fairly submitted that the petitioner is not involved in any other case except the present one. He submits that out of total 18 prosecution witnesses, 5 witnesses have already been examined.

Heard. There is no gainsaying that the petitioner is facing charges for recovery of 1680 tablets of Tramadol Hydrochloride, which falls under the commercial category. There is nothing on record to show that the petitioner has any criminal antecedents. Out of total 18 prosecution witnesses only 5 witnesses have been examined so far and the petitioner is behind bars from the last about 2½ years. The veracity of the allegations would be evaluated by the trial Court only after appreciation of complete evidence to be led by both the parties. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail 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.

31.01.2023
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No