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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16010-2023 (O&M)

Date of Decision: 12.04.2023

Shree Ram

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 42 dated 18.03.2021, under Section 22 (C) of NDPS Act, registered at Police Station Sangat, District Bathinda.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 18.03.2021 and the charges were framed on 06.10.2022 but no witness has been examined till date. He submitted that the petitioner is not involved in any other case. He further submitted that one of the co-accused namely Gurwinder Singh @ Gora has already been discharged by the learned trial Court on the ground that he was nominated on the basis of the disclosure statement. He submitted that considering the custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Ms. Akshita Chauhan, Learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody from 18.03.2021 but the petitioner is not entitled for the grant of regular bail in view of the bar contained under Section 37 of the NDPS Act wherein there was a huge recovery of 29000 tablets of alprazolam of 0.5 mg. which falls in the category of commercial quantity under the NDPS Act. She further submitted that the aforesaid tablets of alprazolam were recovered from the petitioner on the spot and there is no ground available with the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act. She further submitted that the custody would also not become a ground for grant of bail to the petitioner on the ground that the charges were framed only on 06.10.2022 and therefore she has vehemently opposed the grant of regular bail to the petitioner.

I have heard the learned counsel for the parties.

The petitioner is in custody from 18.03.2021. Although the custody of the petitioner is more than 2 years but there has been alleged recovery of 29000 tablets of alprazolam of 0.5 mg. as per the learned State counsel which is not only commercial quantity but it is a very large quantity and allegedly the petitioner was caught on the spot alongwith the aforesaid tablets. Therefore, this Court is of the view that the petitioner is not entitled for the grant of regular bail not only on the ground that there has been a huge recovery but also the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act for which the learned counsel for the petitioner has not been able to make out any ground for making a departure from the same. Therefore at this stage this Court does not deem it

fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

12.04.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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