

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

CRM-M-20955-2023

Date of decision : 05.07.2023

Amarjit Singh @ Pappa

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G. Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.170 dated 10.10.2017 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 473 Indian Penal Code at Police Station Kharar, District SAS Nagar (Mohali) who is in custody since his arrest on 10.10.2017.

The contents of the FIR as noticed by the learned Judge, Special Court, SAS Nagar (Mohali) in his order dated 21.10.2019 are as under:-

“As per prosecution allegations, 138 strips of intoxicant tablets of Lomotil (each containing 60 tablets total 138x60=8280) and 62 strips of intoxicant tablets of Lomotil (each containing 60 tablets total 62X60=3720) total 12000 tablets and 20 bottles of 100 ml each intoxicant liquid of Codeine Phosphate and Cholpheniramine were recovered from the accused/applicant while he was travelling in car Tata Indigo bearing registration no. PB-11-AY-5778 on 10.10.2017. ”

Learned counsel for the petitioner has argued that the petitioner has been

falsely implicated in this case and as per the chemical examiner report, the relevant particulars of recovered drugs are missing. He has further submitted that the recovered contraband is within the permissible limit and in the final report even the name of the manufacturers of the drug has not been mentioned. He submits that in all there are 19 prosecution witnesses and only three witnesses have been examined, therefore, the petitioner be released on regular bail.

The prayer is opposed by learned counsel on the ground that the recovery of the contraband was made from the vehicle PB-11-AY-5778, which was driven by the petitioner and the requisite formalities required under the NDPS Act was duly complied with. He submits that the recovered contraband would fall within the ambit of commercial quantity as per the NDPS Act. He prays that the petition be dismissed.

After hearing learned counsel for the parties and considering their submissions, this Court finds that as per the prosecution, the petitioner failed to produce any document/permit authorizing the possession of recovered drugs and was arrested on the spot. The submission of the learned counsel that the relevant particulars of the drugs or the manufacturer are missing in prosecution case is not worth acceptance at this stage as the trial is in progress. The defence set up by the accused would be seen by the trial Court after the entire evidence of the parties is over.

Thus, considering the nature and quantity of the contraband recovered from the petitioner and gravity of offence, this Court without meaning any expression and opinion on the merits of the case does not find it to be a fit case for extending the concession of regular bail to the petitioner.

Since the trial had commenced after framing of charges on 21.09.2019, therefore, the trial Court is directed to expedite the trial proceedings.

The petition is dismissed.

		(MANOJ BAJAJ)	
		JUDGE	
05.07.2023	Whether speaking/reasoned :	Yes	No
neeraj	Whether Reportable :	Yes	No