

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27705-2022
Date of Decision:-14.02.2023

RAKESH KUMAR

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Manmit Singh Rana, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.132 dated 9.6.2022 registered under Section 22 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station City Hoshiarpur, District Hoshiarpur.

As per the allegations appearing on the record, the police apprehended co-accused Dinesh and recovered 25 strips, each containing 10

tablets of Alprazolam IP05 and thereafter said Dinesh Kumar disclosed that he purchased the said medical intoxicant from the present petitioner, who is having no criminal history.

Counsel for the petitioner submits that the petitioner has joined investigation with the police by virtue of previous order of interim bail passed by this Court and rigors of Section 37 of NDPS Act are not applicable as the recovery effected from co-accused Dinesh comes under non-commercial quantity and further the petitioner is having no criminal history.

State counsel on instructions from SI Parwinderjit Pal Singh submits that the tablets recovered from co-accused Dinesh comes under non-commercial quantity and further apprised the Court that the petitioner has joined investigation with the police and is having no criminal history and furthermore after completion of investigation, the police has presented the challan and now the petitioner is not required by police for further investigation or for custodial interrogation.

Admittedly the embargo provided in Section 37 of NDPS Act is not applicable to the instant case as the recovery effected from co-accused Dinesh comes under non-commercial quantity as has been submitted by the State counsel. Further, the petitioner is not involved in any other criminal case and is not required by the police for further investigation or for custodial interrogation as after conclusion of investigation, challan stands presented by the police in the Court concerned.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 4.7.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

14.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No