

**CRM-M-29394-2022 (O&M)**

**Date of decision-16.02.2023**

Manpreet Singh @ Mani

...Petitioner

Vs.

State of Punjab

...Respondent

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

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

Ms. Shivani Sharma, DAG, Punjab.

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**MANOJ BAJAJ, J. (Oral)**

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.92 dated 09.07.2021 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Badhni Kalan, District Moga, who is in custody since his arrest on 09.07.2021.

The allegations in the FIR as noticed by the Judge, Special Court, Moga in the order dated 07.09.2021 declining the petitioner's bail application, read as under:

*“From the perusal of record, it transpires that accused/applicant was found in conscious possession 100 strips of tablets Calvidol 100-SR each strip containing 10 tablets (total 1000 tablets) without any valid license.*

*However, copy of report of FSL produced by learned Addl.PP for State shows that the ingredients present in the tablets Clovidol-100 SR are reported to be as “Tramadol Hydrochloride” and average weight of per tablet as per Chemical Examiner Report is 366 mg. Thus total weight comes to  $1000 \times 366 = 366,000$  mg i.e. 366 grams. The recovery of “Tramadol Hydrochloride” salt upto 5 grams comes into small quantity and above 250 grams comes into commercial quantity and hence recovery effected from the accused/applicant falls into Commercial Quantity and as such, Section 37 of the Act gets attracted in the present case.”*

Learned counsel for the petitioner has argued that the petitioner is in custody for a long period and though charges were framed on 19.10.2021, but till date only one prosecution witness has been examined out of total twelve witnesses. He prays for bail.

Learned State counsel, assisted by ASI Gurmeet Singh has opposed the prayer on the ground that the quantity recovered from the petitioner falls within the ambit of commercial quantity. Learned State counsel has produced the custody certificate dated 15.02.2023 by way of affidavit of Rajiv Kumar Arora, Superintendent of Central Jail, Faridkot, which indicates that petitioner is involved in three other cases under Indian Penal Code, however, he has been acquitted in one of these cases. Further, it is not disputed by learned State counsel that the prosecution has examined only one witness.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the petitioner is not

involved in any other case of similar nature and in the present case, the trial is progressing at a slow pace as only one prosecution witness has been examined after framing of charges in October, 2021. It becomes clear that the conclusion of the trial would take considerable time, therefore, considering the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)  
JUDGE

16.02.2023  
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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |