

**209                      2023:PHHC:050218**  
**IN THE HIGH COURT OF PUNJAB AND HARYANA**  
**AT CHANDIGARH**

**CRM-M-29237-2022**  
**Date of Decision: 12.04.2023**

|                 |     |                |
|-----------------|-----|----------------|
| RAVINDER SINGH  | V/S | ... PETITIONER |
| STATE OF PUNJAB |     | ... RESPONDENT |

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Ms. Satpreet Grewal Kapila, Advocate for the petitioner.  
Mr. Hittan Nehra, Addl. A.G. Punjab.  
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**VIVEK PURI, J. (ORAL)**

Petitioner has prayed for grant of regular bail in case FIR No. 87 dated 28.04.2022 registered under Sections 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act (for short 'the Act'), at Police Station Mahilpur, District Hoshiarpur.

Briefly, as per the allegations the petitioner has been apprehended while he was travelling in a Scorpio vehicle and 5 gms of heroine and 17 injections of buprenorphene have been recovered from him. Besides, a sum of Rs. 5000/- and one digital weighing scale was also recovered from him.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated as at an earlier instance he was arraigned as an accused in the case bearing FIR No. 35 dated 11.02.2022 under Sections 22 and 29 of the Act, registered at Police Station Mahilpur, District Hoshiapur. The petitioner was arraigned as an accused in that case by invoking Section 29 of the Act and he was granted interim protection. Consequently, to further falsely implicate him, the present case has been registered against him. It has also been argued that the mandatory provisions of Section 50 of

the Act has not been complied with.

Learned State counsel has opposed the bail application on the score that the petitioner was apprehended at the spot and the quantity of buprenorphine recovered from the possession of the petitioner falls in the category of commercial quantity. Furthermore, it has been stated that option was given to the petitioner for getting the search conducted in the presence of a Gazetted Officer or Magistrate. The search has been conducted as per the option given by the petitioner and as such, it cannot be said the mandatory provisions of Section 50 of the Act has not been complied with.

In the instant case, the petitioner has been apprehended at the spot and the recovery of contraband which falls in the category of commercial quantity has been effected from him. The option was given to the petitioner to get the search conducted in the presence of a Gazetted Officer or Magistrate and the search has been conducted as per the option given by him. The petitioner is in custody only for a period of 10 months and 24 days and is also involved in another case under NDPS Act. The quantity of contraband recovered in the instant case falls in the category of commercial quantity and as such, stringent provisions of Section 37 of the NDPS Act come into play. There is nothing to suggest that the petitioner has not committed the offence and is not likely to commit the offence, while on bail. As such, no justified ground is made out to extend the concession of bail to the petitioner.

Dismissed.

**12.04.2023**

Janki

**(VIVEK PURI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*