

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206-1)

CRM-M-50744-2022
Date of decision:- 13.10.2023

Balvir Singh @ Gori

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Lalit Goyal, Advocate for the petitioner.

Mr. A.P.S.Tung, DAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
119	25.06.2022	Kotbhai, District Sri Muktsar Sahib	22 (c) of the NDPS Act

2. Version of the prosecution is that FIR, Annexure P-1, has been registered when two persons, who were on foot, were stopped on suspicion and recovery of intoxicating tablets was effected from them.

3. Counsel for the petitioner submits that although mandatory provisions of the NDPS Act were not complied with at the time of alleged search, but the recovery allegedly effected from the petitioner is of 540 tablets of Alprasafe. He submits that the salt found in the tablets was Alprazolam and its total weight is 66.88 grams, which is less than the threshold limit of commercial quantity. Counsel submits that although petitioner is named as an accused in another FIR, but there is no other criminal case against him for offence under the NDPS Act. He asserts that the petitioner, who is in custody since 25.06.2022, deserves to be enlarged on bail as the trial is not likely to conclude in the near future.

4. Opposing the petition, State counsel, upon instructions from ASI, Jagdish Singh and by referring to the status report, submits that besides the petitioner, Gurpreet Singh was also apprehended and 1000 tablets of Cypremal-100 SR were recovered from him, which on analysis was found to contain salt Tramadol Hydrochloride with a total weight of 412.15 grams. As per his instructions, charge has been framed on 06.01.2023, but none out of twelve prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. Recovery effected from the petitioner falls within the ambit of intermediate quantity as per the notification issued under the NDPS Act. Bar under Section 37 of the NDPS Act would not, therefore, come in his way. Trial is at a nascent stage as no prosecution witness has been examined. This Court is, therefore, of the view that the petitioner cannot be denied the concession of regular bail.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

13.10.2023

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No