

**2023:PHHC:070052**

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

**CRM-M-53633-2022**

**Date of Decision: 15.05.2023**

**KARAMJINDER SINGH @ KAKA  
VS.**

**... PETITIONER**

**STATE OF PUNJAB**

**.. RESPONDENT**

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

Present : Mr. P.S.Mirpur, Advocate  
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

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**VIVEK PURI, J.**

1. The petitioner is seeking regular bail in the case bearing FIR No. 30 dated 20.04.2022 under Section 22 (C) of the NDPS Act registered at Police Station Kot Fatta, District Bathinda.

2. Briefly, as per the allegations, the petitioner alongwith co-accused, namely, Kuldeep Singh were travelling on a motorcyle bearing registration No. PB-03AJ-4035 and a bag containing intoxicants tablets were recovered.

3. Learned counsel for the petitioner contends that the petitioner is in custody for a period of last one year and no independent witness has been joined at the time of recovery.

4. Learned State counsel has opposed the bail application on the score that there is no requirement under law to conduct the search of a suspect in the presence of independent witnesses. Moreover, the petitioner alongwith co-accused were apprehended and 2100 tablets of Cypremal and 4200 tablets of Alpracan have been recovered from them. The Tramadol

Hydrochloride has been recovered in 2100 tablets and it weighs

888.88 grams and Alprazolam has been found in 4200 tablets and it weighs 700.686 grams. The quantity of contraband recovered in the instant case falls in the category of commercial quantity.

5. It is significant to note that the petitioner alongwith co-accused were arrested at the spot and Tramadol Hydrochloride and Alprazolam falling within the category of commercial quantity have been recovered from their conscious possession. It will be too early to dispute the genuineness of the version of the prosecution on the score that no public witness has been joined at the time of recovery. The quantity of contraband recovered from the conscious possession of the petitioner falls in the category of commercial quantity and as such, stringent provision 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.

6. For the aforesaid reasons, the present petition is dismissed.

15.05.2023  
smriti

(VIVEK PURI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No