

226

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51904-2023
Date of Decision: 17.10.2023

Kuldeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Brar, Advocate,
for the petitioner

Mr. G.S.Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.159 dated 23.07.2022 registered under Sections 22/25/29/61/85 NDPS Act at Police Station Civil Lines, Patiala.

2. Learned counsel for the petitioner submitted that the petitioner is in custody since 23.07.2022 and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court but the charges are yet to be framed in the present case. He further submitted that as per the allegations, there was a recovery of 90,000 tablets of *Tramadol Hydrochloride* from the truck of which the petitioner was only a driver. He also submitted that being a driver, he was not aware as to whether there was any contraband in the truck. He further submitted

that the petitioner is not involved in any other case and is innocent, therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab submitted that the truck was intercepted by the Excise and Taxation Department and a huge quantity of 90,000 tablets of *Tramadol Hydrochloride* were recovered which were kept in different boxes from the truck and the petitioner being a driver cannot take a plea that he did not know what he was carrying with regard to the huge quantity of *Tramadol* and it is not a case that only few packets of *Tramadol* were found or somebody had thrown in the truck. He further submitted that the aforesaid huge quantity falls in the category of commercial quantity, and therefore, the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act.

4. I have heard the learned counsels for the parties.

5. The petitioner is stated to be in custody from 23.07.2022, which is almost 1 year and 2½ months. The alleged recovery from the truck of which the petitioner was a driver was of 90,000 tablets of *Tramadol Hydrochloride*, which is not only a commercial quantity under the NDPS Act, but is a large and huge quantity. No ground is made out by the learned counsel for the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act.

6. In view of aforesaid facts and circumstances of the case, this Court does not deem it fit and proper to grant regular bail to the petitioner.

7. Consequently, finding no merit in the present petition and the same is, hereby, dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

17.10.2023

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |