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2023 : PHHC : 138582

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52726-2023

Date of Decision: 30.10.2023

VARINDERPAL SINGH
V/S
STATE OF PUNJAB

... PETITIONER

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Subhash Kumar, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking regular bail in case bearing FIR No. 154 dated 20.06.2022 under Sections 21-A and 22-A of the NDPS Act registered at Police Station Shahkot, District Jalandhar Rural.
2. Custody certificate has been taken on record.
3. Briefly, as per the allegations, the petitioner was apprehended while he was carrying 5 gms of heroin and 200 loose tablets in a polythene bag while travelling on a motor-cycle.
4. Learned counsel for the petitioner contends that in fact, the petitioner was lifted from his house, wrongfully confined in the police station for a period of 2 days and thereafter a false case has been planted upon him. Even the petitioner had booked ticket for going abroad for 28.06.2022 and as such, it is improbable that he will be indulging in narcotics about 8 days prior to the date of his scheduled departure. Furthermore, the charge was framed on 11.07.2022 and till date no witness has been examined.
5. Learned State counsel has opposed the bail application on the score that the quantity of contraband recovered in the instant case falls in the category of commercial quantity and as such, stringent provisions of NDPS Act come into play. Moreover, the allegations with regard to wrongful confinement are devoid

of any merit and substance. Furthermore, merely because the petitioner has purchased ticket for going abroad cannot be termed to be a circumstance to conclude that he will not be indulging in such like activities prior to going abroad. Moreover, the earlier application for bail has been dismissed by a speaking order in terms of the order dated 20.04.2023 passed in CRM-M-60097-2022.

6. The quantity of contraband recovered in the instant case falls in the category of commercial quantity. The total weight of etizolam recovered from the possession of the petitioner is to the extent of 29.8 grams and it falls in the category of commercial quantity. In such circumstances, stringent provisions of Section 37 of the NDPS Act come into play. There is nothing to indicate that the petitioner has not committed the offence and is not likely to commit the offence while on bail. The allegations with regard to wrongful confinement will be looked into during the course of trial. Moreover, merely because the petitioner had purchased some ticket for going abroad cannot be construed as a circumstance to conclude that he could not have indulged in such like activities. The earlier bail application has been dismissed by a speaking order on 20.04.2023. The custody period of the petitioner is to the extent of 1 year and 1 month which cannot be termed to be alarming enough to extend the concession of bail on account of delayed trial.

7. Dismissed.

30.10.2023

Janki

**(VIVEK PURI)
JUDGE**

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