

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

**CRM-M-60097-2022**  
**Date of Decision: 20.04.2023**

**VARINDER PAL SINGH** ... PETITIONER  
**VS.**  
**STATE OF PUNJAB** .. RESPONDENT

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

Present : Mr. Jagjit Singh, Advocate  
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

\*\*\*\*\*

**VIVEK PURI, J.**

1. The petitioner is seeking regular bail in the case bearing FIR No. 154 dated 20.06.2022 under Sections 21-A and 22-A of the NDPS Act (later on reduced Section 21-A and added Section 21-B of the NDPS Act) registered at Police Station Shahkot, District Jalandhar.
2. Custody certificate has been placed on record.
3. Briefly, as per the allegations, the petitioner was apprehended while he was carrying 05 grams of heroin and 200 loose tablets in a polythene bag while travelling in a motorcycle.
4. Learned counsel for the petitioner contends that the contraband was being carried in a transparent polythene bag and the case of the prosecution cannot be termed to be probable. Moreover, the petitioner is in custody since 20.06.2022.
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, there is nothing to indicate that the

contents were visible to anyone.

6. It is significant to note that in the FIR, the allegation is to the effect that the contraband was being carried in a polythene bag. It does not indicate that the same was in a transparent polythene bag. Moreover, the contraband was in the form of powder and tablets. 05 grams of heroin and 200 loose tablets have been recovered from the possession of the petitioner. The tablets were found to contain etizolam and each tablet weighed 149 mg. 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. Though, the petitioner was arrested on 20.06.2022 but he remained on interim bail for a period of about 03 months.

7. The custody certificate indicates that the petitioner is in custody for a period of 7 months and it cannot be termed to be significant enough to extend the concession of bail to the petitioner only on the ground of long incarceration. The quantity of contraband recovered in the instant case falls in the category of commercial quantity and as such, the stringent provisions of 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.

8. Keeping in view the above, no ground is made out to extend the concession of bail to the petitioner.

9. Dismissed.

20.04.2023  
smriti

(VIVEK PURI)  
JUDGE

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