

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

CRM-M-62159-2023

Date of Decision:14.12.2023

Patras

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : None for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 148 dated 23.07.2023, registered under Section 22 of NDPS Act, Police Station City Jagraon, District Ludhiana (Annexure P-1).

2. The FIR in the present case was registered on the basis of a secret information. As per the information, Sagar and Patras used to sell intoxicant tablets and on that day also, they were coming from the bus to supply the intoxicant tablets and if a barricade was set up, the above said persons namely Sagar and Patras could be apprehended with the tablets. On finding information reliable, a picket was setup and both the persons named in the secret information i.e Sagar and Patras were arrested by the police. On checking, 75 tablets were recovered from Sagar and 45 tablets were recovered from Patras and during the course of investigation, it was discovered that all the tablets contained the salt Etizolam.

3. It has been pleaded in the petition that only 45 tablets containing the salt etizolam have been recovered from the petitioner and the mandatory provisions of NDPS Act were not complied with in the present case. Further, the petitioner was in custody since 23.07.2023 and the challan has already been presented in the present case. Apart from that, the petitioner was not involved in any other case and deserves the concession of bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the petitioner on the ground that the recovery of contraband from the present petitioner was commercial in nature and the bar contained in Section 37 of the NDPS Act would apply to the facts of the instant case. Hence, the petitioner does not deserve the concession of bail by this Court.

5. I have perused the paperbook and heard the learned State counsel.

6. Since the recovery of contraband from the present petitioner falls within the ambit of “commercial quantity”, the bar contained under Section 37 of the NDPS Act would apply to the facts of instant case and the petition is ordered to be dismissed.

14.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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