

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M No. 4330 of 2024

Date of Decision: 01.02.2024

Shambhu Singh @ Sambhu Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Siddharth Gupta, Legal aid counsel for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J.(ORAL)

1. This petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail to the petitioner in case bearing FIR No. 151 dated 19.07.2022 registered under Sections 22 (c) of NDPS Act, 1985 (Section 27 of NDPS Act, 1985 added later on) at Police Station City Budhlada, District Mansa.

2. The FIR was lodged on the allegations that 150 strips containing 1500 tablets of Alphrasafe-0.5 containing the salt of *Alprazolam* were found from the possession of the petitioner and the total weight of the above said recovered tablets comes out to be 184.83 grams and as per the scheduled attached with the NDPS Act, the recovered contraband falls within the ambit of commercial quantity.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and has clean antecedents and further reference to vernacular of the FIR (supra) to contend that the information was received on 9:30 PM on 19.07.2022, the entire

police investigation was concluded within the matter of few minutes as such the story set-up by the prosecution is doubtful and the petitioner is entitled to grant of regular bail.

4. Per contra, learned State counsel opposes the prayer of grant of regular bail to the petitioner on the ground that the huge quantity of intoxicant tablets were recovered from the conscious possession of the petitioner which falls within the ambit of Section 37 of the NDPS Act. He also submits that the petitioner is a habitual offender and involved in two more cases i.e one excise Act and other under the provisions of IPC Act.

5. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that 1500 tablets of Alphrasafe-0.5 containing the salt of *Alprazolam* were recovered from the conscious possession of the petitioner and there is nothing on record to suggest that the rigours of Section 37 of the NDPS Act are not applicable in the present case.

6. Consequently, finding no merit in the present petition and the same is, hereby, dismissed at this stage.

01.02.2024

Rajeev (rvs)

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No