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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22303-2024
Date of Decision:- 02.12.2024

DALVIR SINGH @ SONI ...Petitioner
Vs.
STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Jasraj Singh, Advocate for petitioner.
(Through V.C.)
Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner Dalvir Singh @ Soni has filed instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.152 dated 26.12.2023 under Section 22 of NDPS Act registered at Police Station Hariana, District Hoshiarpur (Section 29 of NDPS Act added later-on).
2. As per facts of case, on 26.12.2023 ASI Jagdish and the police party was present at village Kotli turn in connection with the routine patrolling and checking of suspicious persons. They noticed one person coming from the side of popular field and on seeing the police party he was perplexed and threw heavy polythene bag by taking out from the right pocket of his bag. Investigating Officer with the hep of police party controlled the said person who disclosed his name Dalvir Singh @ Soni son of Sartaj Singh and on checking, as per law, 262 grams intoxicating substance along with polythene bag was recovered which was taken into



police possession. Investigation was carried out and as per the report of Forensic Science Laboratory sample tested in the laboratory came out to be tramadol hydrochloride.

3. Learned counsel for petitioner firstly argued that alleged recovery is marginally above the commercial quantity. Other recovery was effected from the bag which was lying on the ground. Therefore, it cannot be said that it was recovery from the possession of petitioner. Challan in this case is already presented and chargesheet was framed on 23.08.2024. One prosecution witness is also examined. Trial in this case may take some time. Petitioner is behind the bars since 26.12.2023. Learned counsel for petitioner relied upon on different orders passed by Coordinate Benches granting bail where the recovery was marginally above the commercial quantity. It is prayed that present petitioner be granted regular bail.

4. Bail application is opposed by learned counsel representing State. Detailed status report has been filed. Facts narrated in the FIR are confirmed. It is pointed out that recovery falls in commercial quantity. He is involved in other FIRs under NDPS Act. In one of the FIR, cancellation report has been submitted whereas in FIR No.28 of 2020 under Section 22 of NDPS, petitioner is already facing trial. Therefore, petitioner is not entitled to be released on bail.

5. I have considered the aforesaid factual position. As per the facts of the case, it is the case of recovery of 262 grams of intoxicants substance which as per the report of chemical examiner laboratory is tramadol hydrochloride and it falls in commercial quantity. Challan is already presented and after framing of chargesheet on 23.08.2024 one prosecution witness is already examined. Therefore, trial in this case is



going at a reasonable pace. So far as manner of recovery of contraband as detailed in FIR is concerned, it is matter of trial. In view of stringent provision of Section 37 of NDPS Act, I do not find a fit case for grant of regular bail, therefore, finding no merits in the bail application, same is declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

02.12.2024
snd

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