

2024:PHHC:101125



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

286

CRM-M-27846-2024 (O&M)
Date of decision: 07.08.2024

Ram Narayan Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 160 dated 31.07.2023, registered under Sections 22(c) of the NDPS Act, 1985 at Police Station Talwandi Sabo, District Bathinda.
2. Brief facts of the case relevant for the disposal of the present petition are that on 31.07.2023, the petitioner was apprehended by a police party and recovery of 1000 intoxicant tablets namely Clovidol-100 SR having salt of Tramadol Hydrochloride IP 100 was effected from him. The petitioner was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 15.01.2024.

2024:PHHC:101125



3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The provisions of Section 50 of the NDPS Act were not properly complied with. No independent witness was joined at the time of effecting alleged recovery from the petitioner. The story put forth by the police party is concocted one. The petitioner is in judicial custody since 31.07.2023. The trial is likely to take a long time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that the petitioner was apprehended by the police party on 31.07.2023 and recovery of 1000 intoxicant tablets namely Clovidol-100 SR having salt of Tramadol Hydrochloride IP 100, which falls under the commercial quantity, was effected from him. During the course of recovery and further investigation, proper procedure as prescribed under the Act was followed. The rigors of Section 37 of the NDPS Act would be attracted against him. Trial may be expedited. It is also argued that if the petitioner is released on bail, he may abscond or tamper with the prosecution evidence or may indulged in similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner was apprehended by the police party on 31.07.2023 and recovery of Clovidol-100 SR having salt of Tramadol Hydrochloride IP 100 was effected from him, which obviously falls under the commercial quantity. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the Act during

2024:PHHC:101125



investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 439 of Cr.P.C. Since the commercial quantity of the contraband is involved in this case, the rigors of Section 37 of the Act would also be attracted against the petitioner. There is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

07.08.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No