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

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CRM-M-32269-2024 (O&M)
Date of decision: 22.10.2024

Mincal Arora @ Minkal Arora @ Ladla**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. P. K. S. Phoolka, 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. 69 dated 08.07.2023, registered under Sections 22 and 29 of the NDPS Act, 1985 at Police Station Cantt. Jalandhar, District Jalandhar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 08.07.2023, the petitioner was apprehended by a police party headed by Inspector Inderjit Singh, while he was driving a car bearing registration number PB-10-CZ-0073 and was coming from Phagwara side. After following the procedure as prescribed under the Act, a polythene bag of black color was recovered from the trunk of the said car, which was containing 7000 intoxicant tablets i.e. Tramadol Hydrochloride 100 MG.

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The petitioner was formally arrested at the spot and the recovered contraband was taken into possession. Thereafter, on 12.07.2023, on the disclosure of the petitioner, another recovery of 120000 intoxicant tablets of Tramadol Hydrochloride 100 MG was also effected from an abandoned car, bearing registration number PB-08-BN-5911. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offence. He had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 23.01.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the contraband allegedly recovered from the petitioner was planted by the police officials. He is not involved in any other criminal case. It is further argued that the mandatory provisions of Sections 42, 50 and 52 of the NDPS Act were also not complied with. The petitioner is in judicial custody since 08.07.2023. Investigation has since been completed and *challan* has already been filed. The trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. *Per contra*, learned State counsel, on the basis of the status report, has vehemently argued that the petitioner is not entitled to get benefit of bail as a commercial quantity of the contraband was recovered from him. He was nabbed at the spot. His story regarding false implication and plantation of the recovered contraband is concocted one. It is further argued

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that since the recovery of the contraband effected from the petitioner falls under the commercial quantity and he is involved in one more case under the NDPS Act, the rigors of Section 37 of the NDPS Act would be attracted against him and he is not entitled to get benefit of bail. The trial may be expedited. There are chances of the petitioner's absconding or indulging in similar offences, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

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

6. As per the allegations, the petitioner was apprehended by the police party on 08.07.2023 and recovery of 7000 intoxicant tablets of Tramadol Hydrochloride 100 MG was effected from his car. Thereafter, another recovery of 120000 intoxicant tablets of Tramadol Hydrochloride 100 MG was also effected on his demarcation on 12.07.2023. Though, the petitioner has claimed that he is not involved in any other criminal case, however, a perusal of the status report shows that he is involved in one more case under the NDPS Act. Since a huge recovery of the contraband has been effected from the petitioner, which obviously falls under the commercial quantity, and he is shown to be involved in one more case of similar nature, the rigors of Section 37 would be attracted against him. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may indulge in similar offences or may abscond cannot be stated to be unfounded keeping in view his criminal antecedents. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. The arguments raised by learned counsel for the petitioner with regard to lacunas

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in investigation cannot be looked into at this stage as the same is to be decided by the trial Court after appreciating the entire evidence and material placed on record before it. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

22.10.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No