

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

CRM-M-32737-2024
Date of decision: 17.07.2024

....Petitioner

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sukhwinder S. Dhillon, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.14 dated 21.02.2023 under Section 22-C of the NDPS Act registered at Police Station Bariwala, District Sri Muktsar Sahib (Annexure P-1).

The first petition seeking regular bail was dismissed as withdrawn vide order dated 12.01.2024 passed by this Court in CRM-M-56270-2023 titled as '*Bharat Bhushan Vs. State of Punjab.*'

The FIR (*supra*) was lodged on the allegations that on 21.02.2023 in the area of Police Station, Bariwala, the accused/petitioner was found in conscious possession of 220 tablets of Etirelax-0.5 containing salt Etizolam, which was carrying without any permit or license and thus, the instant FIR got registered.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and he is in custody since 21.02.2023. He further submits that the learned Special Court has

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ignored the basic facts of the case that it has been mentioned in the FIR that Tablets were not recovered from the conscious possession of the petitioner and thus, the petitioner is entitled to the relief of regular bail.

The learned State counsel has filed the custody certificate in the Court today and the same is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that 220 Tablets of Etizolam Tablets 0.50 mg Etirelax 0.5 containing salt Etizolam was recovered from the petitioner which is within the ambit of commercial quantity and due to which Section 37 of the NDPS Act is applicable and thus, the petitioner is not entitled to the concession of regular bail.

I have heard learned counsel for the parties and in view of the facts and circumstances of the case, no ground is made out to grant regular bail to the petitioner and the present petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

17.07.2024*Neha*

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