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

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CRM-M-54106-2024 (O&M)
Date of decision: 11.11.2024

Dalbir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ajit Singh Natt, Advocate
for the petitioner.

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

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in FIR No. 75 dated 24.03.2022, registered under Sections 22 of the NDPS Act, 1985 at Police Station Patran, District Patiala.
2. Brief facts of the case relevant for the disposal of the present petition are that on 24.03.2022, a secret information was received by SI Birbal Sharma that petitioner Dalbir Singh, Angrej Singh and Sabeg Singh are addicted to consuming and selling intoxicant pills and that they were coming from Khanauri side to Patran in a car bearing registration number DL-2C-AF-8887 and if they were apprehended, a huge amount of intoxicant tablets could be recovered from them. Believing the information to be true, a barrier was laid and the petitioner along with aforesaid co-accused was apprehended by the police

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party and recovery of 750 tablets of *Tramadol Hydrochloride* and 1020 tablets of *Alprazolam* was effected from them. They were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offence. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 28.02.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The story put forth by the prosecution is highly improbable and concocted one. The petitioner is in custody since 24.03.2022. He is the sole bread earner of his family. The trial is likely to take 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. Status report has already been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner was apprehended by the police party on 24.03.2022 along with the co-accused and recovery of 750 tablets of *Tramadol Hydrochloride* and 1020 tablets of *Alprazolam* was effected from them. The quantity of the recovered contraband falls under the commercially quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. It is further argued that the antecedents of the petitioner are also not clean as he is involved in two more cases under the NDPS Act. The trial is going on at a proper pace. If the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length

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and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party on 24.03.2022 along with aforesaid two co-accused and the recovery of 750 tablets of *Tramadol Hydrochloride* and 1020 tablets of *Alprazolam* was effected from them. The quantity of the recovered contraband obviously falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. He is also shown to be involved in two more case under the NDPS Act, which shows that the apprehension expressed by learned State counsel that the petitioner, if released on bail, may abscond or indulge in similar offences, is not unfounded. The trial is going on and six prosecution witnesses have already been examined. 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 criminal antecedents of the petitioner, 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.

11.11.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No