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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-62355-2023 (O&M)
Date of decision: 07.03.2024

Kuldeep Kumar @ Sona

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI, J.

CRM-8039-2024

For the reasons mentioned in the application, the same is allowed.

Statement of PW-1 ASI Ramesh Kumar Annnexure P-6 is taken on record.

CRM-M-62355-2023

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.49 dated 04.04.2021, under Section 22/29 of the NDPS Act, 1985, registered at P.S. Sadar Batala, District Gurdaspur.
2. The petitioner was arrested on the spot by the Investigating Agency, while carrying 1146 loose tablets, which was subsequently found

to be Tramadol Hydrochloride, and the total weight of the recovered contraband comes out to be 409.122 grams, the alleged recovery, falls within the ambit of Commercial quantity as prescribed under the NDPS Act.

3. Counsel for the petitioner for asking the relief submits that there is a clear cut violations of Section 42 of the NDPS Act, for that he draws attention of this Court to the cross-examination of one of the Investigating Officer, who stepped into the witness box, during trial, as PW-1. At this stage, only two witnesses have been examined by the prosecution. It cannot be concluded that there is a violation of Section 42 of the NDPS Act, on the part of the prosecution agency. Therefore, the submission as made at this stage, is declined. Further, in view of the specific bar created under Section 37 of the NDPS Act, this Court is not inclined to grant the relief of regular bail to the petitioner at this stage. Therefore, the instant petition is ordered to be **dismissed**.

07.03.2024

Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No