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

CRM-M-2435-2024 (O&M)

Reserved on : 25.03.2025

Pronounced on : 01.04.2025

Parvinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. S. Dhaliwal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 0097 dated 28.10.2023, registered under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Ghagga, District Patiala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 28.10.2023, the petitioner along with co-accused Bablu and Najar Singh, while coming on a motorcycle bearing registration number CH-01-AS-4468, was apprehended by a police party headed by ASI Gurmeet Singh and recovery of 1520 intoxicant tablets of Tramadol Hydrochloride was effected from them. Since they could not produce any permit or licence to keep in their possession the recovered drug, all of them 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 the co-accused is facing trial for commission of aforementioned offence. He had

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moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 09.01.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. As per own case of the prosecution, the recovery of alleged contraband was effected from co-accused Bablu and not from the petitioner. Mandatory provisions of Sections 42 and 50 of the NDPS Act were not complied with properly. Even otherwise, investigation has since been completed and *challan* has been presented. The trial is likely to take time. The petitioner is in custody since 28.10.2023. 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 been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he was apprehended at the spot along with above named co-accused and recovery of huge quantity of intoxicant tablets, which falls under the commercial quantity, was recovered from them. The petitioner was riding the said motorcycle and was actively involved in the subject crime. FSL report has been received and it has been found that the recovered tablets were containing salt of Tramadol Hydrochloride. During the course of recovery and further investigation, proper procedure as prescribed under the NDPS Act was followed. It is submitted that since a commercial quantity of the contraband has been recovered from the petitioner and co-accused, the rigors of Section 37 of the NDPS Act would be attracted in this case. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus,

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argued 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. The petitioner was apprehended by the police party along with above named co-accused and recovery of 1520 tablets of Tramadol Hydrochloride was effected from them. The allegations against the petitioner are that he was involved in sale/purchase of intoxicant tablets along with the co-accused and was riding the said motorcycle on the fateful day. FSL report has been received, as per which, the quantity of the recovered contraband obviously falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during 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. Trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the aforesaid facts and circumstances, 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.

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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.

01.04.2025
Naseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No