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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18672-2024
Date of decision:-05.05.2025

DEEPAK KUMAR ALIAS DEEPU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
06	15.01.2023	22 of NDPS Act	Shambhu, Patiala, District Patiala

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case . He contends that the petitioner has no concern whatsoever with the alleged recovery and is in custody since 15.01.2023, after completion of investigation challan has already been presented in Court, and conclusion of



trial will take sufficient long time. Hence, prays for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that on the basis of secret information, naka was laid and present petitioner was apprehended and recovery of 19 cardboard boxes of intoxicant capsules containing 30 strips each, having 8 capsule in each strip in total 4560 intoxicant capsules were recovered and name mentioned on the strips was “*Paracetamol, Dicyclomine Hydrochloride & Tramadol Hdrochloride Capsules PROXYWEL SPAS*” having same batch number was effected from him. He submits that the recovered contraband falls within the commercial quantity attracting bar under Section 37 of the NDPS Act. He further submits that petitioner is habitual offender and is involved in 1 more cases under NDPS Act, as such, he is not entitled to the concession of bail.

4. After considering the rival contentions and perusing the record, it transpires that on the basis of secret information, police laid naka and apprehend the present petitioner and recovery of 19 cardboard boxes of intoxicant capsules containing 30 strips each, having 8 capsule in each strip, in total 4560 intoxicant capsules of “*Paracetamol, Dicyclomine Hydrochloride & Tramadol Hdrochloride Capsules PROXYWEL SPAS*” were recovered. Consequently petitioner was arrested on 15.01.2023 and samples were sent to Forensic Science Laboratory, Phase-4, SAS Nagar on 18.01.2023 and as per FSL report dated 23.03.2023 (Annexure R-1) 502 mg Tramadol Hydrochloride was found in the each capsule in total 2289.12 gm

of contraband was found which falls within the purview of commercial quantity. Admittedly, the recovered contraband falls within the purview of commercial quantity attracting bar under Section 37 of the NDPS Act and as per the reply submitted by the State, petitioner is also involved in 1 more case under NDPS Act. Therefore, considering the nature and gravity of the offence, as well as the the fact that the recovered contraband in the present case is 2289.12 gm of Tramadol Hydrochloride which falls within the purview of ‘commercial quantity’, attracting bar under Section 37 of the NDPS Act, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the bail petition is hereby dismissed.

5. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

6. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

05.05.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |