



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-41490-2024
Date of Decision : **January 21, 2025**

KESHAV BHARTI ALIAS RAHUL

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ankush Verma, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant 2nd petition filed under Section 439 Cr.P.C., prayer is made for grant of regular bail to the petitioner in case FIR No.124 dated 26.8.2023, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Raikot, District Ludhiana, the earlier bail application was dismissed as withdrawn way back on 21.3.2024.

2. Learned counsel for the petitioner in the asking for the relief (supra) submits that since there was no progress after dismissal of the first bail application, therefore, the instant 2nd petition has been filed.

3. In the instant case, the recovery, which has been effected is 12000 capsules of Alprazolam and 12400 capsules of Tramadol. As per the FSL report, the gross weight of 12000 Alprazolam comes to be 1.245260 kgs, whereas the gross weight of 12400 capsules of Tramadol comes out to be

4.2336 kgs. The instant case has been registered on the basis of a secret information. The relevant extract of the FIR reads as under:-

“Incharge Officer, Police Station Sadar Raikot, "Jai Hind, today the undersigned A.S.I. alongwith A.S.I. Manjit Kumar no.568, Head Constable Gurdeep Singh No.50, Constable Tajinder Singh No.216 and female Constable Sarabjit Kaur No.920 on government vehicle no. PB-10- GK-4168 being driven by Head Constable Gurdeep Singh No.50, alongwith private laptop printer were present in village Binjal Police Station Sadar Raikot on patrolling and with regard to checking of dubious persons then it was time about 12:00 PM that special secret informer came to me and gave me information in separation that Keshav Bharti alias Rahul son of Raghunath Singh son of Moti Ram resident of H.No. 4, Indra Colony Bagpat Road Meerut Police Station Kotwali Meerut, District Meerut. (U.P) and Khem Kumar son of Jagat Bahadur son of Karan Bahadur resident of House No. 93, Street No.4, Aman Nagar Police Station Grain Market Patiala District Patiala, are doing business of selling intoxicant tablets in the area of Police Station Sadar Raikot by bringing the same from the outside states. That today also both of above said are bringing intoxicant tablets in large quantity from Mandi Ahmedgarh side to village Rachin Police Station Raikot, for selling the same. If the check post is established immediately on Mandi Ahmedgarh Road at village Rachin, Police Station Sadar Raikot then the above said Keshav Bharti alias Rahul and Khem Kumar can be apprehended along with the large quantity of intoxicant tablets. The information is confirmed and reliable. Hence, selling of intoxicant tablets by the above said Keshav Bharti alias Rahul and Khem Kumar recommends that the offence has been committed under section 22-61-85 NDPS Act. Hence, the rukka and N.D.P.S. U/s 42 Act report has been prepared and are being sent through Constable Tajinder Singh no.216 to the police

station for registration of case against the above said Keshav Bharti alias Rahul and Khem Kumar.”

4. Learned counsel for the petitioner submits that the petitioner has suffered incarceration of about 1 year and 4 months in the instant case and there is no progress in the trial, therefore, he may be granted the relief of regular bail.
5. This Court has considered the rival submissions of the learned counsel for the parties concerned and perused the entire record.
6. In the instant case, the recovery effected as per the learned State counsel, falls within the commercial quantity, rather it is a case of huge commercial quantity, therefore, this Court is not inclined to grant the asked for relief of regular bail to the petitioner. The instant petition is **dismissed** accordingly.

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No