



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-33839-2024
Date of decision:-04.02.2025

LOVEPREET SINGH @ YODHA
... Petitioner

Versus

STATE OF PUNJAB
... Respondent

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

Present:- Mr. Sahil Puri, Advocate for the petitioner.

Mr. Ankit Grewal, 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:-

FIR No.	Dated	Sections	Police Station
92	09.10.2021	22, 29 of NDPS Act	Dhilwan, District Kapurthala

2. Brief facts of the case are that during nakabandi on 09.10.2021, at about 08:30 P.M. one motorcycle was seen coming from the Adda Miani side and on signal to stop, the rider turned back due to which both the riders fell down and on seeing the police threw the envelopes from their pockets towards the road side and further the police party apprehend them and they disclosed their names as Lovepreet Singh @ Yodha and Lovejit Singh @



Lily and on asking they disclosed that intoxicant tablets were in thrown envelopes. Both the accused were apprehended. The petitioner moved for interim bail in trial Court, since the FSL report was not received the petitioner was granted concession of bail. When FSL report was received, the bail of the petitioner was cancelled and he was summoned through non-bailable warrants, but he did not turn up and was therefore, declared as proclaimed offender vide order dated 17.08.2023. Thereafter, petitioner was arrested on 04.04.2024.

3. 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 petitioner was on interim bail granted by the learned trial Court and after presentation of challan, he could not receive any summons or warrants in the present case and ultimately declared as proclaimed offender on 17.08.2023. He contends that petitioner was not aware about the proclamation proceedings issued against him. He contends that petitioner was arrested on 04.04.2024 and since then he is in custody. He contends that challan has already been presented in Court, and conclusion of trial will take long time and similarly situated co-accused has already been acquitted. Hence prayed for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that petitioner was arrested on the spot and 95 intoxicant tablets were recovered from him and the same were sent to FSL, and as per report dated 06.01.2022 the said intoxicant tablets contained salt "Etizolam" weighing 16.340 grams

which falls within the purview of commercial quantity and attracts Section 37 of the NDPS Act, as such, the petitioner is not entitled to the concession of bail. Hence prayed for dismissal of bail petition.

5. After considering the rival contentions and perusing the record, it transpires that during patrolling, police had apprehended the petitioner and recovered 95 intoxicant tablets and as per FSL report the said intoxicant tablets contained salt “Etizolam” weighing 16.340 grams which falls within the purview of ‘commercial quantity’ and attracts bar under Section 37 of the NDPS Act. Moreover, the petitioner after being granted concession of interim bail did not turn up, as such was declared proclaimed offender. Considering the nature and gravity of the offence, and also the fact that the recovered contraband 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 petition is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

04.02.2025
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No