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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-34888-2024
Date of decision:-01.04.2025

SANJEET KUMAR

Versus

STATE OF PUNJAB

... Petitioner

... Respondent

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

Present:- Mr. Ashish Soi, Advocate for the petitioner.

 Mr.Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply by way of an affidavit dated 31.03.2025 of Assistant Commissioner of Police, Special Crime, Ludhiana, (Additional Charge ACP, East, Ludhiana), alongwith custody certifiacte dated 31.03.2025, the same are taken on record, copy thereof, have been supplied to the counsel opposite.

2. 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
412	11.10.2022	22 of NDPS Act	Division NO.7, Ludhiana

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 the petitioner has no concern whatsoever with the alleged recovery and is in custody since 11.10.2022, 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.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that during search, 1140 Alprazolam Tablets were recovered from the petitioner in a black bag. He submits that the alleged recovered contraband contained 141.36 grams of Alprazolam. He submits that the alleged recovered contraband falls within the purview of commercial quantity, which attracts Section 37 of the NDPS Act, as such, the petitioner is not entitled to the concession of bail. Hence, prayed for dismissal of the regular bail petition.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered by the police to the effect that while on patrolling, police party saw one person holding a black polythene bag, and upon seeing the police, he got frightened and threw the bag on the street, and on search, 1140 Alprazolam Tablets were recovered and petitioner was arrested on 11.10.2022. The alleged contraband was sent to FSL and as per FSL report dated 30.11.2022 the recovered tablets from the petitioner contained salt Alprazolam amounting to 141.36 grams which falls within the purview of 'commercial quantity' and attracts bar under Section 37 of the NDPS Act. 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

01.04.2025

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