

2025:PHHC:005274



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

321

CRM-M-41819-2024 (O&M)
Date of decision: 15.01.2025

Angrej Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Nikhil Vats, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

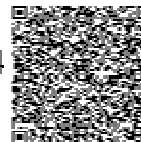
MANISHA BATRA, J. (Oral)

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. 75 dated 24.03.2022, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Patran, Patiala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 24.03.2022, on the basis of the secret information, the petitioner along with co-accused Dalbir Singh and Subheg Singh was apprehended by a police party headed by SI Birbal Sharma, while they were coming in a car bearing registration number DL-2C-AF-8887. On conducting search, 1770 intoxicant tablets (750 tablets of Tramadol Hydrochloride and 1020 tablets of Alprazolam) were recovered from them.

They were formally arrested at the spot. After completion of necessary

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investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offence. The petitioner had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 28.02.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He was not present at the spot disclosed in the FIR and no recovery of contraband was effected from him. Rather, the contraband allegedly recovered from the petitioner was planted by the police officials. More so, no independent witness was joined at the time of effecting alleged recovery. It is further argued that the mandatory provisions of Sections 42 and 50 of the NDPS Act were also not complied with. The petitioner is in judicial custody since 24.03.2022. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has vehemently argued that the petitioner is not entitled to get benefit of bail as a commercial quantity of the contraband was recovered from him and two other co-accused. He was nabbed at the spot. His story regarding false implication and plantation of the recovered contraband is concocted one. It is further argued that since the recovery of the contraband effected from the petitioner falls under the commercial quantity, the rigors of Section 37 of the

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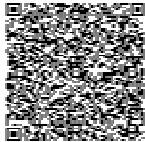


NDPS Act would be attracted against him. The trial may be expedited. The petitioner may abscond or indulge in similar offences, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party along with above named two co-accused and recovery of 1770 intoxicant tablets (750 tablets of Tramadol Hydrochloride and 1020 tablets of Alprazolam) was effected from them. The quantity of the recovered contraband falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences can also not be stated to be unfounded, at this stage. The trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of trial. The arguments raised by learned counsel for the petitioner with regard to lacunas in the investigation cannot be looked into at this stage as the same is to be decided by the trial Court after appreciating the entire evidence and material placed on record before it. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage.

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Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

15.01.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No