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

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CRM-M-56029-2024 (O&M)

Date of decision: 19.02.2025

Hardeep Singh @ Deep**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Kulwinder Singh, Advocate
for the petitioner.

Ms. Himani Arora, AAG, 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 FIR No. 185 dated 07.09.2022, registered under Sections 22(c) and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Budhlada, District Mansa.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.09.2022, the petitioner was apprehended by a police party headed by ASI Paramjit Singh and recovery of 2400 intoxicant tablets (*Alprazolam*) was effected from him. He was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offences. He had moved an application

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before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 25.01.2023.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. No recovery of alleged contraband was made from the petitioner. A false recovery has been planted upon the petitioner. Mandatory provisions of Section 50 of the NDPS Act were not complied with properly. There is nothing on record to connect the petitioner with the subject crime. Even otherwise, investigation has since been completed and *challan* has been presented. The petitioner is in judicial custody since 07.09.2022. The trial is likely to take time. 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 Assistant 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. He is part of a gang, which is involved in sale/purchase of narcotic and psychotropic substances. 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 NDPS Act would be attracted against him. The trial is going on at a proper pace. If the petitioner is released on bail, he can abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length

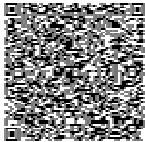
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and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party on 07.09.2022 and recovery of 2400 intoxicant tablets (*Alprazolam*) was effected from him. His dope test was got conducted, which was found to be positive. The allegations against the petitioner are quite serious in nature. 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 him as nothing has been placed on record before this Court so as to believe that he did not commit the subject offence or in case, he is released on bail, he would not commit any such or similar offence. The apprehension of learned Assistant Advocate General, Punjab that if extended benefit of bail, the petitioner may abscond or indulge in similar offences cannot be stated to be unfounded. 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 learned trial Court after appreciating the entire evidence and material placed on record before it. Hence, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of the contraband recovered from him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

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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.

19.02.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No