



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

281

CRM-M-59123-2024 (O&M)
Date of Decision:- 06.03.2025

GULSHAN KUMAR
Versus
STATE OF PUNJAB
....Petitioner(s)
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

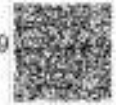
Present : Mr. Sahazpal Singh, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

- 1. Reply dated 22.01.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Sub-Division Fazilka, District Fazilka, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
- 2. Arguments heard.
- 3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
201	02.10.2023	22 NDPS Act	Sadar Fazilka, District Fazilka

- 4. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 02.10.2023 and after the completion of investigation, challan has been presented in Court. He submits that the conclusion of trial will take sufficient long time, thus, prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply filed by the State has assailed these arguments and submitted that the petitioner was apprehended by the police party and recovery of 940 tablets of Tramadol Hydrochloride had been effected from the conscious possession of the petitioner and co-accused Bagicha Singh, which falls within the category of commercial quantity, thus, the petitioner does not deserve the concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on a secret information that the petitioner and co-accused Bagicha Singh, both indulged in the sale of intoxicant tablets, were sitting outside the house of co-accused Bagicha Singh and were selling intoxicant tablets. Upon reaching the spot, the police party saw both the accused standing outside the house of co-accused Bagicha Sinnggh, however, on seeing the police party, the accused put the polythene bags between them on the motorcycle and tried to flee from the spot. When the police party was about to nab them, they threw the polythene bags, however they were apprehended by the police party and recovery of 51 strips having 10 tablets each of Tramadol Hydrochloride tablets i.e. 510 tablets was effected from the polythene bag thrown by co-accused Bagicha



Singh. Similarly, recovery of 43 strips having 10 tablets each of Tramadol Hydrochloride tablets i.e. 430 tablets was effected from the petitioner. Thus, a total recovery of 940 tablets of Tramadol Hydrochloride was effected from both the accused, which as per the FSL report weighs roughly 366 grams and falls under the purview of commercial quantity. Therefore, attracts the stringent provisions of Section 37 of the NDPS Act.

7. In these circumstances, considering the serious nature and gravity of offence involved and the fact that the recovery effected is commercial in nature, the petitioner is not entitled to the concession of bail at this stage. Accordingly, the present petition is dismissed.

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

(SANJIV BERRY)
JUDGE

06.03.2025

S.Sharma(syr)

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