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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-2444-2025
Date of Decision: 22.01.2025**

Kuldeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Brar, Advocate
for the petitioner.

Mr. P.S. Bhandari, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 483 of BNSS Act, 2023, for grant of regular bail to the petitioner in case FIR No.159 dated 23.07.2022, under Sections 22, 25, 29, 61, 85 NDPS Act, registered at Police Station Civil Lines, District Patiala.

2. It is submitted by learned counsel for the petitioner that the present is a second successive bail petition filed by the petitioner and the earlier petition was dismissed on merits on 17.10.2023 vide Annexure P-4. He further submitted that the petitioner is in custody for more than 2 years and 5 months and now 6 out of 12 total cited prosecution witnesses have been examined, 3 have been given up and 3 are yet to be examined. He also submitted that as per the allegations, the petitioner, who was driver of the truck, was intercepted by the Excise and Taxation Department and allegedly 90,000 tablets of *Tramadol Hydrochloride* were recovered which were kept in different boxes in the truck and the petitioner was not aware of the aforesaid contraband in the truck and



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considering his long custody, he may be considered for grant of regular bail particularly in view of the fact that he is having clean antecedents and is not involved in any other case.

3. On the other hand, Mr. P.S. Bhandari, learned AAG, Punjab has opposed the grant of regular bail to the petitioner on the ground that although the custody of the petitioner is more than 2 years and 5 months but trial of the case is going at a proper pace because 6 prosecution witnesses have already been examined and 3 have been given up and only 3 are left to be examined. He further submitted that even if the petitioner is having clean antecedents, but it is a case where the petitioner was driving the truck from where a recovery of 90,000 tablets of *Tramadol Hydrochloride* was made and the aforesaid tablets were kept in different boxes which not only falls in the category of commercial quantity under the NDPS Act but is also a very huge quantity and no presumption can be drawn that the petitioner was not aware of the aforesaid contraband. He also submitted that since the recovery is from the truck which the petitioner was driving, the bar of Section 37 of the NDPS Act will apply in the present case.

4. I have heard the learned counsels for the parties.

5. It is a case where the custody of the petitioner is more than 2 years and 5 months and as per the allegations, there was a recovery of 90,000 tablets of *Tramadol Hydrochloride* and the petitioner was driver of the said truck. The aforesaid tablets were kept in different boxes in the truck. Learned counsel for the petitioner has raised a plea that the petitioner was not aware of the aforesaid contraband in the truck. As to whether, the petitioner was aware of the aforesaid huge quantity which was kept in his truck which he was driving can only be seen at the time of trial by way of adducing evidence but the petitioner

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has to cross the bar contained under Section 37 of the NDPS Act because the aforesaid quantity not only falls in the category of commercial quantity under the NDPS Act but is also a very huge quantity. Learned counsel for the petitioner has not been able to make out any ground for making a departure from the aforesaid bar contained under Section 37 of the NDPS Act.

6. Consequently, finding no merit in the present petition, the same is hereby dismissed.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

22.01.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |