

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-25243 of 2015

Date of Decision: August 20, 2015

Gurpreet Singh @ Gopi and another

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.K.R.Dhawan, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.176 dated 01.10.2014 under Section 15 of the NDPS Act, registered at Police Station Bahaw Wala, District Fazilka.

Notice of motion.

Ms.Simsi Dhira Malhotra, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondent-State and contests the petition.

Police record is also available.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that the recovery from the petitioners is of 60 kgs. of poppy husk, which falls under commercial

quantity. Learned Special Judge, Fazilka vide order dated 14.07.2015 has stated that as per embargo of Section 37 of the NDPS Act, 1985, petitioners are not entitled to bail. Nothing has been argued to show that Section 37 of the NDPS Act is not applicable in the present case.

As per Section 37 of the NDPS Act, no bail should be granted to the accused in cases of commercial quantity except the exception given in that Section but the present case does not fall under the exception.

In view of the above discussion, I do not find it a fit case where petitioners are entitled to benefit of grant of regular bail. Therefore, finding no merit in the present petition, the same is dismissed.

August 20, 2015
Vgulati

(INDERJIT SINGH)
JUDGE