

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-29850 of 2015

.....

Date of decision:9.9.2015

Balbir Singh @ Baba Singh

...Petitioner

v.

State of Punjab

...Respondent

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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Present: Mr. Krishan Sehajpal, Advocate for the petitioner.

Mr. B.S. Bhullar, Assistant Advocate General, Punjab  
for the respondent-State.

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**Inderjit Singh, J.**

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.16 dated 19.1.2015 registered for the offences under Sections 15 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station Bhargo Camp, District Jalandhar.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Mr. B.S. Bhullar, learned Assistant Advocate General, Punjab has put in appearance and accepted notice on behalf of the respondent-State and contested this petition. Police record is also available.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Punjab appearing for the respondent-State and

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have gone through the record.

As per the allegations, two narcotic substances were recovered from the conscious possession of the present petitioner as well as co-accused i.e. 20 Kgs. of poppy husk and 3 Kgs. Opium. The recovery of Opium is commercial quantity. Therefore, bar of Section 37 of the NDPS Act will apply in this case and the petitioner is not entitled to the benefit of bail.

Therefore, in view of the above discussion, I do not find any merit in this petition and the same is dismissed.

September 9, 2015.

**(Inderjit Singh)**  
**Judge**

\*hsp\*