

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-36681 of 2015

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Date of decision:4.11.2015

Pawan Garg

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Harish Goyal, Advocate for the petitioner.

Mr. Anmol Malik, Assistant Advocate General, Haryana 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.67 dated 10.3.2015 registered for
the offences under Sections 21, 22 and 27-A of the Narcotic Drugs and
Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS
Act') at Police Station City Mandi Dabwali, District Sirsa.

Notice of motion to Advocate General, Haryana.

On the asking of the Court, Mr. Anmol Malik, learned Assistant
Advocate General, Haryana has put in appearance and accepted notice on
behalf of respondent-State and contested this petition.

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

and have gone through the record.

From the record, I find that in the present case as per the prosecution version from the co-accused Gulshan Kumar alias Pala of the petitioner a huge quantity of intoxicant tablets as well as 50 bottles of Rexcof cough syrup 15 injections etc. have been recovered which fall in commercial quantity. Co-accused Gulshan Kumar alias Pala on interrogation told the Investigating Officer that he has been given Rexcof bottles by Sukhdev alias Sukhi and also gave his mobile number and the tablets and injections were given to him by Pawan Kumar Garg. Total 50 bottles of Rexcof, 4000 intoxicant tablets and 14 injections have been recovered from the co-accused Gulshan Kumar alias Pala. After necessary investigation, challan has already been presented in the Court.

It is admitted at the time of arguments that the charge has already been framed against the present petitioner under Section 27-A of the NDPS Act. Learned counsel for the petitioner at the time of arguments argued that there is no cogent evidence on record against the present petitioner.

On the other hand, learned Assistant Advocate General, Haryana argued that phone call details between the present petitioner and the main accused Gulshan Kumar alias Pala have been collected during the investigation.

In the bail petition, this Court is not to weigh the evidence whether it is sufficient for conviction or not. Charge has already been framed and Section 37 of the NDPS Act bars the grant of bail in case of

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commercial quantity, even under Section 27-A of the NDPS Act, therefore, finding no merit in this petition, the same is dismissed.

November 4, 2015.

(Inderjit Singh)
Judge

hsp