

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

**CRM-M No.38674 of 2015 (O&M)
Date of Decision: 07.12.2015**

Malkiat Singh @ Bhunder

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gurcharan Singh Bains, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State along with ASI Lakhwinder Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail to the petitioner in case FIR No.31 dated 23.02.2015, under Sections 22, 61, 85 of the N.D.P.S. Act, registered with Police Station Samana, District Patiala (**Annexure P-1**).

As per the allegations, recovery of 1640 ML intoxicating liquor containing Codeine Phosphate was made from the possession of the petitioner.

Learned Counsel for the petitioner/accused submits that the petitioner has been falsely implicated in the present case and is in custody since 23.02.2015.

Learned State Counsel, on instructions from ASI Lakhwinder Singh, submits that the quantity of the contraband recovered from the petitioner falls within the definition of commercial, therefore, the petitioner is not entitled to bail. He further submits that the case is fixed for recording of prosecution evidence.

Without commenting on the merits of the case, keeping in view the seized contraband being commercial in nature and the facts as noticed above, no case for grant of regular bail is made out.

Accordingly, the present petition stands dismissed.

December 07, 2015

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**(JASWANT SINGH)
JUDGE**