

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

CRM No.M-20668 of 2016

Date of decision: 04.07.2016

Sukha Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. Kamal Narula, Advocate for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab.

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**Jitendra Chauhan, J. (Oral)**

This petition under Section 439 of the Code of Criminal Procedure is for grant of regular bail in case FIR No.18 dated 28.02.2015, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Lakho Be Behram, District Ferozepur.

It is contended that petitioner has been falsely implicated in the instant case and the recovery has been planted upon him by the police. No offer for conducting the search was given to the petitioner, thus, there is clear violation of Section 50 of NDPS Act.

On the other hand, the learned State counsel, submits that the quantity recovered falls under the category of commercial

quantity. About 270 grams of intoxicant powder has been recovered from the petitioner. The challan stands presented; charges have been framed.

Keeping in view the fact that the quantity allegedly recovered in the instant case is commercial and in view of the bar as provided under Section 37 of the NDPS Act, no case for grant of relief sought, is made out.

Dismissed.

04.07.2016

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**(JITENDRA CHAUHAN)**  
**JUDGE**