

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

CRM-M-20904-2016 (O&M)

Date of decision : 19.08.2016

Kala Singh @ Kalu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Fariad Singh Virk Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by ASI Raja Ram.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.113 dated 03.04.2015, registered under Sections 15 and 27-A of the NDPS Act, at P.S. Sadar Dabwali, District Sirsa.

Learned counsel contends that the petitioner has been falsely implicated in the instant case. The petitioner is in custody since 03.04.2015. No prosecution witness has been examined so far.

On the other hand, learned State counsel has opposed the present petition on the ground that 80 Kgs. of poppy husk was recovered from the petitioner and his co-accused. Subsequently, 1.5 Kgs. of opium was also recovered at the instance of the petitioner.

Heard.

Keeping in view the fact that the quantity allegedly recovered from the petitioner and his co-accused falls under the category of commercial quantity and thus, bar under Section 37 of the NDPS Act operates against him, no case for grant of bail is made out at this stage.

Dismissed.

19.08.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No