

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

**CRM No.M-2755 of 2016 (O&M)**  
**Date of Decision: February 01, 2016**

Balbir Singh alias Baba Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

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

\*\*\*\*

**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.16 dated 19.01.2015 under Section 15/18/61/85 of the NDPS Act, registered at Police Station Bhargo Camp, Jalandhar.

Notice of motion.

On the asking of the Court, Mr.P.S.Grewal, DAG, Punjab, accepts notice on behalf of the respondent-State and contests the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that the first bail application of the petitioner has already been dismissed on 09.09.2015 in view of the fact that 20 kgs. of poppy husk and 3 kgs. of opium were recovered

from the petitioner and the recovery of opium falls under commercial quantity and Section 37 of the NDPS Act bars the benefit of bail.

As the recovery from the petitioner falls under commercial quantity, therefore, no ground is made out to grant benefit of bail to the petitioner as bar under Section 37 of the NDPS Act will apply in the present case.

Therefore, finding no merit in the present petition, the same is dismissed.

**February 01, 2016**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**