

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

CRM No.M-32120 of 2016

Date of decision: 30.09.2016

Pawan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

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.62 dated 04.04.2016, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station GRP Ludhiana, District Ludhiana.

It has been averred in the petition that the petitioner has been falsely implicated in the instant case. No offer for conducting the search was given to the petitioner, thus, there is clear violation of Section 50 of NDPS Act. The petitioner is in custody since 04.04.2016.

There has been no representation on behalf of the

petitioner.

The learned State counsel submits that the FSL report has been received, as per which, the quantity recovered falls under the category of commercial quantity. The challan stands presented.

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.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

30.09.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No