

CRM-M-39382-2016

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

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Date of Decision: 10.11.2016

Nishan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. L.S.Sekhon, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner, Nishan Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.58 dated 27.08.2015, registered at Police Station Fatehgarh Panjtoor, District Moga, under Sections 21 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, '1985 Act').

Notice of motion.

On the asking of Court, Ms. Shivali, AAG, Punjab has accepted notice on behalf of the respondent-State and contested this 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 as per the allegation in FIR,

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heroin weighing 400 grams was recovered from the present petitioner. The aforesaid recovery falls under commercial quantity. Section 37 of the NDPS Act bars the benefit of bail to the accused in case of commercial quantity, therefore, no ground is made out to grant benefit of bail to the petitioner.

Keeping in view the facts and circumstances of the present case and in view of the fact that recovery effected in the present case falls in the commercial quantity, I do not find it a fit case where the petitioner is entitled for the benefit of regular bail.

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

However, as the petitioner is in custody since 27.08.2015, trial court is directed to expedite the trial by giving short adjournments or by adjourning the case on day to day basis, if requires.

10.11.2016
parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No