

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

**CRM-M No.41787 of 2015 (O&M)
Date of Decision: 28.01.2016**

Gurlal Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vikrant Guleria, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Naresh Kumar.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.212 dated 16.08.2014, under Sections 22, 61 of the N.D.P.S. Act, registered with Police Station Patti, District Tarn Taran.

As per the allegations, recovery of 100 grams of intoxicating powder was made from the possession of the petitioner and as per the FSL report, the same contains *Diphenoxylate Hydrochloride*.

Learned Counsel for the petitioner/accused submits that the petitioner has been falsely implicated in the present case and he is in custody since 01.10.2015.

Learned State Counsel, assisted by ASI Naresh Kumar, submits that the quantity of the contraband recovered from the petitioner falls within the definition of commercial quantity, therefore, the petitioner is not entitled to bail.

Keeping in view the seized contraband being commercial in nature, no case for grant of regular bail is made out.

Accordingly, the present petition stands dismissed.

January 28, 2016

Gagan

**(JASWANT SINGH)
JUDGE**