

**Sr. No. 224
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M- 6752 of 2016
Date of Decision: 31.03.2016**

Mahender Pal

..Petitioner

Versus

The State of Haryana

...Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Amit Rana, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.767 dated 23.12.2015, under Sections 21 (C) and 27 a of Narcotic Drugs and Psychotropic Substances Act and Sections 18A and 18(C) of Drugs and Cosmetic Act, 1940, registered at Police Station Ratia, District Fatehabad, Haryana.

As per prosecution version, the alleged recovery effected from the petitioner is of 4400 tablets of microlit containing diphenoxylate.

Concededly quantity in excess of 50 grams would be construed as commercial quantity.

Even though counsel would vehemently contend that such recovery has been planted upon the petitioner and it is a case of false implication yet such contention shall have to be considered in the light of evidence led before the trial Court and not by this Court while hearing the petition under Section 439 Cr.P.C.

In the light of heavy recovery stated to have been effected from the petitioner, prayer for grant of regular bail to the petitioner cannot be accepted.

Petition dismissed.

31.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**