

CRM-M-15313-2017

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

CRM-M-15313-2017 (O & M)

Date of Decision:22.09.2017

Balbir Singh @ Beera

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Mandeep Kaur, Advocate for
Mr. D.S.Sandhu, Advocate,
for the petitioner.

Mr. A.P.S.Gill, DAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Balbir Singh @ Beera has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim bail on medical ground in case FIR No.60 dated 20.05.2016, registered at Police Station Sadar Kapurthala, District Kapurthala, under Section 22 of the NDPS Act, 1985.

Notice of motion was issued. Learned State counsel appeared and contested the instant petition.

Learned State counsel has filed short affidavit of Sh. Lalit Kumar Kohli, PPS, Deputy Superintendent, Central Jail, Jalandhar and custody certificate of the petitioner in the Court today. Same are taken on record.

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

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From the record, I find that 150 gram intoxicant powder containing Alprazolam was recovered from the present petitioner. The aforesaid quantity falls in commercial category. Section 37 of the NDPS Act, 1985 bars the grant of bail to the accused in case of commercial quantity.

Moreover, reply filed by the State shows that the present petitioner is getting the treatment from PGI. He was referred to G.M.C. Amritsar, on 20.07.2017 and then was referred to PGI, Chandigarh for treatment. Now again, the petitioner has been referred to PGI, Chandigarh as per the PGI doctor's follow on 12.09.2017 and he is getting the treatment from there. It is also mentioned in the reply that the petitioner has been given medication. Nothing has been mentioned in the report regarding any treatment of the petitioner which is of urgent or serious nature.

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

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

22.09.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No