

CRM-M-17775-2017

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

CRM-M-17775-2017

Date of Decision: 19.07.2017

Sumit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

INDERJIT SINGH, J.

Petitioner-Sumit has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in newly added Section 22 (c) of the NDPS Act, 1985 in case FIR No.432 dated 04.10.2016, registered at Police Station Mahendergarh, District Mahendergarh, under Sections 21, 21(a) and 22 (c) of the NDPS Act, 1985.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of respondent-State and contested the instant petition.

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

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From the record, I find that earlier, the petitioner was granted bail by the trial Court under Section 21(a) of the NDPS Act, 1985 by treating the recovery as non-commercial, but now the report of FSL has been received and offence has been changed to Section 22 (c) of the NDPS Act, 1985 and now the petitioner has prayed for grant of anticipatory bail under Section 22 (c) of the NDPS Act, 1985.

The recovery effected in the present case falls in the commercial quantity. Section 37 of the NDPS Act, 1985 bars the benefit of bail to the accused in case of recovery of commercial quantity.

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 under commercial quantity, I do not find it a fit case where the petitioner is entitled to the benefit of anticipatory bail.

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

19.07.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No