

**CRM-M-21365-2017**

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

**CRM-M-21365-2017**

**Date of Decision: 06.07.2017**

Akash Mattu

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. Harsimrat Randhawa, Advocate,  
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab,

**INDERJIT SINGH, J.**

Petitioner-Akash Mattu has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.159 dated 22.09.2015, registered at Police Station Sadar, District Amritsar, under Sections 21 and 22 of the NDPS Act, 1985.

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

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

From the record, I find that 100 grams of intoxicant powder containing Diphenoxylate Hydrochloride was recovered in the present case. The aforesaid recovery falls in commercial quantity. Section 37 of

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the NDPS Act, 1985 bars the benefit of bail to the accused in case of recovery of commercial quantity. Furthermore, the trial is already complete and case is fixed for defence evidence.

Learned counsel for the petitioner stated that a false case has been planted against the petitioner as he was taken away by the police prior to one day when the recovery was shown.

Since the trial is almost complete and case is fixed for defence evidence, the defence version is to be decided by the trial Court on the basis of evidence, produced by the accused.

Keeping in view the above facts and in view of the fact that recovery effected from the petitioner falls under 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.

**06.07.2017**  
parveen kumar

**(INDERJIT SINGH)**  
**JUDGE**

|                           |   |     |
|---------------------------|---|-----|
| Whether speaking/reasoned | : | Yes |
| Whether reportable        | : | No  |