

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

**CRM No.M-22824 of 2016 (O&M)
Date of decision:12.01.2017**

Sunil Raj ... Petitioner

Vs.

State of Punjab ... Respondent

2.CRM No.M-22827 of 2016(O&M)

Rajinder Kumar @ Shinder ... Petitioner

Vs.

State of Punjab ... Respondent

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

Present:- Mr. Charanpreet Singh, Advocate for
Mr. Baljit Singh, Advocate for the petitioner(s).

Ms. Simsi Dhir Malhotra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-22824 of 2016 (Sunil Raj Vs. State of Punjab) and CRM No.M-22827 of 2016 (Rajinder Kumar @ Shinder Vs. State of Punjab) as both these petitions have been preferred under Section 439 Cr.P.C. seeking regular bail to the petitioners in case FIR No.53 dated 24.05.2015, under Sections 21/22/61/85 of the NDPS Act, registered at Police Station Sadar Banga, District SBS Nagar.

Counsel for the parties have been heard.

As per prosecution version, the alleged recovery effected from the petitioners herein was 250 grams of intoxicating powder and which as per report of the Chemical Examiner has been found to be containing alprazolam. Such quantity would be construed as commercial in nature

under the NDPS Act.

In view of the specific bar under Section 37 of the NDPS Act, this Court is not inclined to extend in favour of the petitioners the benefit of regular bail.

That apart, it would also be apposite to notice that Sunil Raj (petitioner in CRM-M-22824-2016) is involved in two other criminal cases under the NDPS Act and Rajinder Kumar @ Shinder (petitioner in CRM-M-22827-2016) is involved in one more case under the NDPS Act.

For the reasons recorded above, prayer made in these two petitions is declined.

Both the petitions are dismissed.

12.01.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |