

CRM-M-24174-2017

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

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Date of Decision: 04.10.2017

Gurinder Singh @ Bau

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Prateek Pandit, Advocate,
for the petitioner.

Mr. K.S.Aulakh, AAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner-Gurinder Singh @ Bau has filed this 4th petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.223 dated 24.05.2015, registered at Police Station City Phagwara, District Kapurthala, under Section 21 of the NDPS Act, 1985.

Notice of motion has been issued. Learned State counsel has 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 as per the prosecution version, 140 grams intoxicating powder, containing 'Alprazolam Salt', was

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recovered. The aforesaid recovery falls under commercial quantity. Section 37 of the NDPS Act, 1985 bars the benefit of bail to the accused in case 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 regular bail.

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

04.10.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No