

The learned counsel for petitioner has argued that in this case, petitioner was not named in the FIR and his entire family is being roped in. He has also relied upon the authorities of this Court in Soni Singh @ Soni Versus State of Punjab and another, 2016 (3) Law Herald 2146, Shammi Versus State of Punjab, 2015 (6) RCR (Criminal) 368, Amrik Singh alias Amriki Versus State of Punjab, 2015 (9) RCR (Criminal) 929, Mangal Singh Versus State of Punjab, 2014 (37) RCR (Criminal) 865, Puran Singh Versus State of Punjab, 2013 (7) RCR (Criminal) 924, Bhag Singh Versus State of Punjab, (arising out of CRA-1990-SB-2002, decided on 29.2.2012)

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and Lakhvinder Singh Versus State of Punjab, (arising out of CRA-22-SB-2003, decided on 29.2.2012). In none of the authorities, the bar of Section 37 of the NDPS Act, 1985, regarding regular bail, in case of commercial quantity, has been discussed. In case of non commercial quantity, regular bail can be granted and consequently, anticipatory bail can also be granted. However, when there is bar of Section 37 of the NDPS Act, 1985, to the grant of regular bail in case of commercial quantity, the anticipatory bail can also not be granted. Hence, petition is dismissed.

(KULDIP SINGH)
JUDGE

1.9.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No