

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

CRM-M-37001 of 2016 (O&M)

Date of decision: 10.03.2017

Gurwinder Singh @ Manga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikram Chaudhri, Sr. Advocate with
Mr. Sandeep Wadhawan, Advocate and
Mr. Harshit Sethi, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.117 dated 17.08.2015, registered under Sections 21, 29 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Harike, District Tarn Taran.

It is contended that the petitioner has been falsely implicated in the instant case and the recovery of contraband has been planted upon him. The petitioner is in custody since 17.08.2015.

On the other hand, the learned State counsel opposes the bail application.

I have heard learned counsel for the parties and perused the record.

The petitioner had filed an application under Section 167 (2) Cr.P.C., which was dismissed on 19.02.2016 and revision there against was also dismissed by this Court, vide order dated 29.09.2016. Allegedly 2 kgs of heroin was recovered from the petitioner and his co-accused which falls under the purview of commercial quantity. Keeping in view the huge quantity of contraband and in view of the bar as provided under Section 37 of the NDPS Act, no case for grant of relief sought, is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

10.03.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No