

CRM-M-47026-2017

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

CRM-M-47026-2017

Date of Decision: 18.12.2017

Gulshan Kumar @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Deepa Jain, Advocate,
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab

INDERJIT SINGH, J.

Petitioner-Gulshan Kumar @ Happy has filed this 2nd petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.233 dated 28.05.2015, registered at Police Station City Phagwara, Distt. Kapurthala, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, '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 115 gram intoxicant powder containing 'Diphenoxylate' was recovered from the present petitioner.

The aforesaid quantity falls in commercial category. Section 37 of the

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NDPS Act, 1985 bars the grant 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 in 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.

18.12.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No