

CRM-M-48185-2017

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

CRM-M-48185-2017

Date of Decision: 18.12.2017

Joga Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. N.S.Sodhi, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner-Joga Singh has filed this petition under Section 482 read with Section 439 Cr.P.C. for extension of interim bail and to enlarge the petitioner on bail during the pendency of trial in FIR No.57 dated 08.06.2017, registered at Police Station Mehan, District Moga, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act, 1985').

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that since the report of FSL was not received, therefore, the petitioner was released on interim bail. However, after the receipt of report of FSL and finding that 260 gram intoxicant powder containing 'Alprozolam', recovered from the petitioner, falls in commercial quantity, learned Special Judge, Moga, dismissed the

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application for regular bail of the petitioner and he was ordered to be taken into custody.

Keeping in view the facts and circumstances of the present case and in view of the facts that recovery effected in this case falls in commercial category and the petitioner has not surrendered so far before the trial Court after the dismissal of his bail application, I do not find any ground to extend the interim bail, which has already been cancelled by the trial Court.

Moreover, no ground is made out for grant of regular bail to the petitioner in view of Section 37 of the NDPS Act, 1985 which bars the grant of bail to the accused in case of commercial quantity.

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

18.12.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No