

CRM-M-7803-2017

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

CRM-M-7803-2017

Date of Decision: 14.03.2017

Gurinder Singh @ Bau

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Maninder Arora, Advocate,
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Gurinder Singh @ Bau has filed this 2nd 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, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act')

Notice of motion has been issued. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

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

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From the record, I find that recovery of 140 grams of intoxicant powder, containing 'Alprazolam Salt', was effected from the present petitioner. The aforesaid recovery falls under commercial quantity. Section 37 of the NDPS Act 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 for the benefit of regular bail.

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

14.03.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No