

**CRM-M-876-2017 and
CRM-M-4615-2017**

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

Date of Decision: 28.03.2017

1. CRM-M-876-2017

Gurwinder Singh @ Guri

... Petitioner

Versus

State of Punjab

... Respondent

AND

2. CRM-M-4615-2017

Sukhwinder Singh alias Ashok

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. G.K.Mann, Advocate,
for the petitioners.

Mr. Deep Singh, AAG, Punjab.

INDERJIT SINGH, J.

This order shall dispose of CRM-M-876-2017, filed by petitioner-Gurwinder Singh and CRM-M-4615-2017, filed by petitioner-Sukhwinder Singh alias Ashok, under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR

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No.83 dated 21.04.2016, registered at Police Station Kotwali, District Patiala, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued in both these petitions. Learned State counsel has appeared and contested these petitions.

In CRM-M-876-2017, reply by way of affidavit of Sh. Parminder Singh, PPS, Deputy Superintendent of Police (Investigation), Patiala, on behalf of respondent-State, has been filed in the Court today. Same is taken on record.

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

From the record, I find that recovery of 200 grams of intoxicant powder containing 'Methamphetamine Salt' was effected from a car in which the petitioners alongwith co-accused were travelling. The aforesaid recovery falls in commercial quantity. Section 37 of the NDPS Act bars the benefit of bail to the accused in case of commercial quantity.

Learned counsel for the petitioners argued that co-accused have already been granted bail by a Coordinate Bench of this Court. On this argument, I find that when there is a bar to grant bail to the accused in case of commercial quantity by the statute itself, then question of parity does not arise.

Keeping in view the facts and circumstances of the present case and in view of the facts that recovery effected in the present case

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falls in commercial quantity and Section 37 of the NDPS Act bars the benefit of bail to the accused in case of commercial quantity, I do not find it a fit case where the petitioners are entitled to the benefit of regular bail.

Therefore, finding no merit in both these petitions, the same are dismissed.

28.03.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No