

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

CRM No.M-20449 of 2018 (O&M)

Date of Decision: July 19, 2018

Gurmail Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.P.K.S.Phoolka, Advocates
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.04 dated 13.01.2018 under Sections 21 and 22 of the NDPS Act, registered at Police Station Nandgarh, District Bathinda.

Notice of motion.

Ms.Monika Jalota, DAG, Punjab, has put in appearance on behalf of the respondent-State and contested the petition.

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

As per the allegations in the FIR, present petitioner was apprehended on the spot on motorcycle and a plastic bag lying between the driver and pillion rider was recovered. From the plastic bag, 19 vials of

tablets each etc. were recovered. The recovery falls under commercial quantity. Learned trial court has also discussed the fact that Section 37 of the NDPS Act bars the grant of bail to the petitioner as the recovery falls under commercial quantity.

Learned counsel for the petitioner has relied upon the order dated 24.04.2018 passed by the Coordinate Bench in CRM No.M-15630 of 2018, whereby, bail was granted to the co-accused and contended that bail be granted to the present petitioner on parity. Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity and in view of this provision, there is no question of parity. I have perused the order passed by Coordinate Bench, in which provisions of Section 37 of the NDPS Act have not been discussed.

In view of the fact that the recovery from the present petitioner falls under commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity, I do not find it a fit case where petitioner is entitled to benefit of regular bail.

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

July 19, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No