

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

Criminal Misc.No.M-21080 of 2018 (O&M)

Date of Decision : 29.11.2018

Jobanjit Singh alias Joban

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. C.L.Pawar, Senior DAG, Punjab.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.191 dated 15.05.2015, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (in short 'the Act'), at Police Station A-Division, District Amritsar.

It is a case of the prosecution that 120 grams intoxicant powder (alprazolam) was recovered from the petitioner on 15.05.2015 which is a psychotropic substance. The said recovery falls within the ambit of commercial quantity.

Learned counsel for the petitioner has submitted that a Co-ordinate Bench of this Court in **Ranjit Kaur alias Rani versus State of Punjab** has already granted bail vide order dated 10.10.2018, by considering only the percentage of the contraband. He has further submitted that only 0.13% of alprazolam was found by the Forensic Science Laboratory in the recovered contraband.

This Court has given thoughtful consideration to the rival contentions.

This court in *Chhinda Singh versus State of Punjab, 2018 (4) RCR (Criminal) 954* (CRM M-27033 of 2017, decided on 01.08.2018) has already observed that more than 100 grams of *alprazolam* falls within the ambit of commercial quantity, therefore, rigors of Section 37 of the Act comes into play which imposes a restriction in granting bail to offender unless he fulfils conditions laid down therein.

As such, finding no ground to grant bail to the petitioner, the instant petition stands dismissed.

29.11.2018
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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No