

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

CRM No.M-25346 of 2018 (O&M)

Date of Decision: July 16, 2018

Satish Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.D.S.Ganeriwala and
Mr.Sukhkveer Singh Killianwal, Advocates
for the petitioner.

Mr.Sukhdeep Parmar, DAG, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.53 dated 03.02.2018 under Section 22 (c), 27(a) of the NDPS Act and Sections 18(a) and 18(c) of Drugs and Cosmetics Act, registered at Police Station Sadar, Fatehabad.

Notice of motion was issued. Learned State counsel appeared 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 prosecution version, police party intercepted a Honda Amaze car bearing registration No.HR-31M-5129 being driven by the

petitioner. He was apprehended on the spot. 2000 tablets of Can, Soprodol

(carisoma) in eight boxes, 200 bottles of Onerex Syrup of 100 ml each were recovered. FSL report has been received and as per FSL report, codeine phosphate has been found in the sample of Onerex syrup. The recovery from the present petitioner falls under commercial quantity. Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity.

Keeping in view the facts and circumstances of the present case and recovery from the petitioner being commercial one, 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.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 16, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No