

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

CRM-M-27850-2018 (O&M)

Date of decision:- 17.9.2018.

Kuldeep Singh @ Happy

.....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: - HON'BLE MR. JUSTICE KULDIP SINGH.

Present: - Mr. F.S. Virk, Advocate for the petitioner.

Mr. V. G. Jauhar, Sr. DAG, Punjab.

....

KULDIP SINGH, J.

Heard.

This is a petition filed under Section 439 of the Criminal Procedure Code for grant of regular bail in case FIR No. 52 dated 5.5.2017 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') registered at Police Station, Division No. 4 Lahori Gate, District Patiala.

It comes out that 850 intoxicating tablets were recovered from the right pocket of the trouser worn by petitioner which is a commercial quantity and the FIR in question has been registered against the petitioner- Kuldeep Singh @ Happy under Section 22 of the NDPS Act, 1985.

Learned counsel for the petitioner contends that 1000 intoxicating tables were recovered from the right pocket of the trouser worn by co-accused namely Rakesh Kumar and he has been granted regular bail by learned Single Bench of this Court on 18.4.2018 on the basis of a defective consent memo.

After going through the said order dated 18.4.2018, passed in CRM-M-9848-2018, titled as '*Rakesh Kumar versus State of Punjab*', I am of the view that effect of the said order under Section 37 of the NDPS Act, 1985 was not discussed, which bars the grant of bail in the case of commercial quantity.

It being so, the said order dated 18.4.2018 cannot be treated as a precedent for the purpose of allowing parity with the petitioner. In view of the bar of Section 37 of the NDPS Act, 1985 no ground is made out to grant regular bail to the present petitioner.

Dismissed.

(KULDIP SINGH)
JUDGE

17.9.2018
preeti

whether speaking/reasoned	yes
whether reportable	no