

CRM-M-29538-2018

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

CRM-M-29538-2018

Date of Decision: 15.10.2018

Amritpal Singh @ Heera

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. A.S.Salar, Advocate for
Ms. Harleen Kaur, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of regular bail in case FIR No.237 dated 16.11.2014, registered at Police Station Bhikhwind, District Tarn Taran, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act, 1985'), Sections 25 and 27 of the Arms Act, 1959, Section 4 of the Foreigners Act and Sections 411, 414, 189-A, 189-B, 489-C and 489-D of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

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

From the record, I find that as per the prosecution version, 150 grams of intoxicant powder containing 'Diphenoxylate Hydrochloride' has been recovered in this case, which falls in commercial quantity as submitted by learned State counsel. As per Section 37 of the NDPS Act, 1985, benefit of bail cannot be granted to the accused, if the recovery falls in commercial quantity.

Keeping in view the above facts and in view of the fact that Section 37 of the NDPS Act, 1985 bars the grant of bail to the accused in the case of commercial quantity, I do not find it a fit case where the petitioner is entitled to the benefit of regular bail.

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

15.10.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No