

CRM-M-29895-2018

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

CRM-M-29895-2018

Date of Decision: 07.12.2018

Harvinder Singh @ Gogi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Gagan Oberoi, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

INDERJIT SINGH, J.

Petitioner has filed this second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.213 dated 09.09.2017, registered at Police Station Sadar Ludhiana, under Sections 18 and 22 of the NDPS Act, 1985.

Notice of motion was issued. Learned State counsel appeared and contested the instant petition.

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

As per the prosecution version, opium weighing 03 kgs and heroin weighing 270 grams have been recovered in the present case.

The aforesaid recovery falls in commercial quantity.

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Learned counsel for the petitioner submitted that the petitioner has been falsely implicated by forcibly picking up him from his house due to enmity with the police officials.

All the facts including defence version of the accused can be determined, when he (accused) will lead defence evidence. At this stage, in no way, it can be held that the accused has been falsely implicated in this case. The recovery effected in the present case falls in commercial quantity, as already stated. Section 37 of the NDPS Act, 1985 bars the grant of bail to the accused in case of commercial quantity.

Keeping in view the above facts, the petitioner is not entitled to the regular bail. Finding no merit in the present petition, the same is dismissed.

07.12.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No