

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-42861-2018

Date of Decision: 10.12.2018

Gurmukh Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Yashpal Marken, Advocate
for the petitioner.

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

RAJ SHEKHAR ATTRI, J.

The present 2nd petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”) for grant of regular bail to the petitioner in case FIR No.107 dated 2.9.2017 registered for the offences punishable under Sections 22 of Narcotic Drugs & Psychotropic Substance Act (for short, “NDPS”) at Police Station Shambu, District Patiala.

Heard.

The earlier bail application of the petitioner has been dismissed by this Court on 24.5.2018 and thereafter, the present petition has been filed in September, 2018.

Recovery effected from the petitioner falls within commercial quantity of the contraband. The bail has been sought on the ground that the investigating officer and the complainant is the same person. To the mind of this Court, this aspect shall be appreciated by the learned trial Court at the

appropriate stage of the trial.

It has been further argued that there is non-compliance of Section 50 of NDPS Act. The recovery in this case is effected from the bag and, therefore, provisions of Section 50 NDPS is not applicable.

No ground is made out for grant of regular bail in this case.

December 10, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No