

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-44278 of 2016

.....

Date of decision:14.12.2018

Ramesh Kumar

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sukhvir Singh Sahu, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana for
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.479 dated 7.8.2015 registered for
the offence under Section 21A of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police
Station Ratia, District Fatehabad.

Notice of motion to Advocate General, Punjab.

Mr. Tanuj Sharma, learned Assistant Advocate General,
Haryana has put in appearance on behalf of respondent-State and contested
this petition.

I have heard learned counsel for the petitioner and learned State

counsel and have gone through the record.

From the record, I find that 15 bottles of Rexcof cough syrup containing 100 ml. each were recovered. The recovery falls in commercial quantity.

A perusal of the record shows that bail was granted to the petitioner by Sub Divisional Judicial Magistrate in this case. As the recovery falls in commercial quantity, therefore, bar of Section 37 of the NDPS Act will apply in this case and the petitioner is not entitled to the benefit of regular bail.

Therefore, in view of the above discussion, I do not find any merit in this petition and the same is dismissed.

However, as the petitioner has been granted the benefit of interim bail, therefore, he is directed to surrender immediately before the learned trial Court. If he does not surrender before the learned trial Court within seven days, then the trial Court will take him custody.

December 14, 2018.

(Inderjit Singh)
Judge

hsp

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