

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

CRM No.M-29307 of 2018 (O&M)

Date of Decision: January 11, 2019

Madan Lal

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Raj Kumar Gupta, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.119 dated 14.06.2017 under Section 18 of the NDPS Act, registered at Police Station City-I, Abohar, District Fazilka.

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

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

From the record, I find that in the present case, 4 kgs. of opium has been recovered from the present petitioner, which falls under commercial quantity and Section 37 of the NDPS Act bars the grant of bail

to the accused in the case of commercial quantity.

Learned counsel for the petitioner argued that in the order dated 15.06.2017 passed by learned JMIC, Abohar, seals have been wrongly mentioned, which create doubt in the prosecution case.

Learned State counsel, while relying upon the reply along with order dated 15.09.2017 passed by JMIC, Abohar, argued that it was a clerical mistake, which has been corrected and trial is pending before the Court. This fact regarding the order of the Magistrate is to be seen by the trial Court in view of the evidence to be produced before it. The correction has been made by the Magistrate after getting produced the sample, form No.29 etc. before it. The orders have been passed on judicial side regarding clerical mistake and correcting the same. No benefit, at this stage, can be granted to the petitioner.

As Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity, therefore, no ground is made out for granting regular bail to the petitioner. Finding no merit in the present petition, the same is dismissed.

January 11, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No