

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

CRM-M-19062-2019 (O & M)

Date of decision: 22.05.2019

Sonu Singh

.... Petitioner(s)

V/s

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gurpal Singh Sandhu, Advocate, for the petitioner.

Ms. Ishneet Kaur, AAG, Punjab.

Rajan Gupta, J. (Oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in a case FIR No.254 dated 08.11.2017 registered against him under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) at Police Station Lambi, District Sri Muktsar Sahib.

On 08.11.2017, a motor cycle was intercepted by the Police. From the same, 600 capsules of Parvorin-Spas, 2000 tablets of Digifresh 0-5 containing Alprazolam salt was recovered. After completion of investigation, challan was presented before the trial court. Bail application moved by the petitioner was dismissed by the Special Court, Muktsar Sahib on the ground that quantity of contraband recovered from the accused being commercial in nature and Section 37 of the NDPS Act would be attracted.

Learned counsel for the petitioner, however, places reliance on an order passed by co-ordinate Bench in the case of 'Gurmeet Singh versus State of Punjab (CRM-M-48987-2018 decided on 03.04.2019)'.

I find no merit in the plea of the petitioner as allegation against Gurmeet Singh was that he was merely one of the pillion rider on the motor cycle. Sonu (petitioner herein) is stated to have been driving the same and is also the owner of the motor cycle. Thus, he cannot claim parity with the pillion rider. Besides, the order on which reliance has been placed, it appears that Section 37 of the NDPS Act has not been referred to therein.

Under the circumstances, I find no ground to grant bail to the petitioner on parity. Dismissed.

May 22, 2019
sukhpreet

(RAJAN GUPTA)
JUDGE

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