

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39699 of 2018

.....

Date of decision:01.03.2019

Chiman Singh alias Chaman Singh alias Cheema

...Petitioner

v.

State of Punjab

...Respondent

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab 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.10 dated 9.1.2018 registered for the
offence under Section 22 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police
Station City South, District Moga.

Notice of motion was issued in this case.

Mr. Dhruv Dayal, learned Senior Deputy Advocate General,
Punjab 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.

Learned counsel for the petitioner has not pressed his arguments on the law laid down by the Hon'ble Supreme Court in Mohan Lal v. State of Punjab, AIR 2018 SC 3853. As per the prosecution version, 120 Grams of intoxicant powder containing salt Alprazolam was recovered from the possession of the petitioner. 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 bail.

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

March 01, 2019.

(Inderjit Singh)
Judge

hsp

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