

CRM-M-42035-2018

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

CRM-M-42035-2018

Date of Decision: 15.01.2019

Satish Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Atul Lakhanpal, Sr.Advocate with
Mr. Arjun Lakhanpal, Advocate,
for the petitioner.
Mr. Tanuj Sharma, AAG, Haryana.

INDERJIT SINGH, J.

Petitioner has filed this second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.53 dated 03.02.2018, registered at Police Station Sadar Fatehabad, District Fatehabad, under Section 22 of the NDPS Act, 1985 and Sections 18-A and 18 (c) of the Drugs and Cosmetics Act, 1940.

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

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

From the record, I find that heavy quantity of tablets have been recovered from the present petitioner. 200 bottles of Onerex Syrup, containing the salt of 'Codine' as per the FSL report, were also recovered

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from him. The recovery effected in the present case falls in commercial quantity. Section 37 of the NDPS Act, 1985 bars the grant of bail to the accused in case of commercial quantity.

Keeping in view the facts and circumstances of the present case and in view of the fact that recovery effected in the present case falls in commercial quantity, I do not find it a fit case where the petitioner is entitled to the benefit of regular bail.

Therefore, finding no merit in the present petition, the same is dismissed.

15.01.2019

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No