

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-43379 of 2018

.....

Date of decision:01.03.2019

Major Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sant Pal Singh Sidhu, 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.41 dated 25.2.2018 registered for
the offence under Section 18 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police
Station Adampur, District Jalandhar Rural.

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. From the record, I find that in the present case, 4 Kg. of Opium was recovered from the present petitioner which 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