

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

**CRM M-45154-2017 (O&M)
Date of Decision : 31.01.2019**

Vijay Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Namit Khurana, Advocate for the petitioner.
Mr. Vikas Chopra, DAG, Haryana.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No.340 dated 08.09.2017, registered under Sections 21 of the Narcotic Drugs & Psychotropic Substances Act (in short 'the Act') read with Section 18-C of the Drugs & Cosmetics Act, 1940, at Polie Station Farakpur, District Yamuna Nagar.

As per prosecution version, 102.84 grams of intoxicant tablets were recovered from the petitioner.

This court, vide order dated 16.04.2018 granted the benefit of interim bail to the petitioner till the submission of forensic science laboratory report with the condition that if in the said report, it is found that psychotropic substance recovered from the petitioner falls within commercial quantity, in that eventuality, the petitioner has to surrender before the trial court.

Now the forensic science laboratory report has been received which transpires that the recovery effected from the petitioner falls within commercial quantity. Section 37 of the Act bars to grant the benefit of bail

to the person in case of commercial quantity.

Learned counsel for the petitioner has placed reliance upon the judgment of this Court in *Rajvir Singh alias Raju vs. State of Punjab 2018 (4) RCR (Criminal) 375.*

The facts in that case are distinguishable.

As such, finding no ground to grant the concession of regular bail to the petitioner, the instant petition stands dismissed.

31.01.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No