

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50083-2018 (O&M)
Date of decision : 11.01.2019

Kulwinder Singh

..... **Petitioner**

Versus

State of Punjab

..... **Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harbhajan Singh, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Status report dated 2.1.2019 by way of affidavit of Sanjeev Goyal, Deputy Superintendent of Police, Sub-Division Sardulgarh, District Mansa on behalf of respondent filed in Court today is taken on record.

Heard.

In this case, 300 tablets of *Tramadol Hydrochloride* were recovered from the petitioner. As per the status report, filed by the State, total weight of 300 tablets of *Tramadol Hydrochloride* is 264.18 grams. The quantity of 250 gram and above falls in the category of commercial quantity. Therefore, recovery in this case is commercial.

Learned State counsel has also relied upon the Gazette Notification dated 18.11.2009 issued by Government of India, vide which entire quantity of drugs is to be seen. The said Notification has not been quashed by any Court so far.

Mere fact that the recovery is only 14 grams above the commercial quantity is no ground to grant bail to the petitioner.

In view of the bar of Section 37 of the NDPS Act, no ground is made out to grant regular bail to the present petitioner.

Dismissed.

(KULDIP SINGH)
JUDGE

11.01.2019

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Whether speaking / reasoned
Whether Reportable:

Yes
No