

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

**Crl. Misc. No.M-45242 of 2019 (O&M)  
Date of Decision: November 15, 2019.**

Deepak Mehta

**.....PETITIONER(s).**

**VERSUS**

State of Punjab

**.....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Raj Karan Singh Verka, Advocate  
for the petitioner (s).

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab.

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**SURINDER GUPTA, J.(Oral)**

**CRM-35359-2019**

This is application for placing on record documents Annexure  
P-3 and P-4.

The same are taken on record subject to all just exceptions.

Application stands disposed of accordingly.

**CRM-35355-2019**

This is application for rectification of the headnote and prayer  
clause of the main petition, wherein offences punishable under Sections  
29/22/61/85 instead of 29 and 22 of Narcotic Drugs and Psychotropic  
Substances Act, 1985 have been mentioned inadvertently.

The application is allowed. Sections 22/29/61/85 mentioned in

headnote and prayer clause be read as 29/22 of NDPS Act, 1985.

CRM-M-45242-2019

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 44 dated 25.04.2019 registered for the offences punishable under Sections 29 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Anandpur Sahib, District Ropar.

Heard.

As per case of the prosecution, petitioner was apprehended on 25.03.2019 on the basis of secret information and recovery of 110 grams of intoxicating powder was effected from the car of petitioner. On receipt of report of Forensic Science Laboratory, intoxicating powder was found to be '*Diphenoxylate Hydrochloride*'. The quantum of contraband recovered from the petitioner falls in commercial category.

Learned counsel for the petitioner has referred to the observations of Hon'ble Apex Court in case of ***Rajeev Vs. The State of Kerala Special Leave Petition (Criminal) Diary No.7341/2019***, (arising out of impugned final judgment and order dated 02.02.2016 in CRLA No.786/2014 passed by the High Court of Kerala at Ernakulam), wherein it was urged by the counsel for the appellant that recovery of contraband from the appellant should be taken as the net contents of contraband salt found in sample by the Forensic Science Laboratory.

On perusal of the above order dated 11.07.2019, I find that appellant had completed six and half years of imprisonment by that time out of 10 years' sentence awarded to him, as such, his sentence was suspended.

The observations in that case are not helpful to the petitioner. Recovery

Being commercial, petitioner cannot be allowed bail as I find no reason to

record the observations as per provisions of Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985 required for grant of bail to the petitioner.

This petition has no merits. Dismissed.

**November 15, 2019**  
*Sachin M.*

**( SURINDER GUPTA )**  
**JUDGE**

***Whether speaking/reasoned:*** ***Yes/No***

***Whether Reportable:*** ***Yes/No***