

CRM-M-54795-2018

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

CRM-M-54795-2018

Date of Decision: 17.01.2019

Kamalpreet Singh @ Kamal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajesh Kumar Garg, Advocate,
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

INDERJIT SINGH, J.

Reply by way of affidavit of Sh. Sudhir Kumar Taneja, HPS,
Deputy Superintendent of Police, Barara, Ambala has been filed in the
Court today. Same is taken on record.

Petitioner has filed this petition under Section 439 of the
Code of Criminal Procedure, 1973 for grant of regular bail in case FIR
No.212 dated 14.09.2017, registered at Police Station Mullana, District
Ambala, under Section 21 of the NDPS Act, 1985.

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.

CRM-M-54795-2018

From the record, I find that as per the prosecution version, the present petitioner was travelling in a three-wheeler from which 540 injections of Avil 10 ML and 540 injections of Omgsic 2 ML were recovered. Omgsic Injections contains Buprenorphine, which falls under the NDPS Act, 1985. 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.

17.01.2019

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No