

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

CRM-M-5906-2020 (O&M)

Date of decision: 04.11.2020

Dilbag Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. G.S. Goraya, Advocate, for
Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. M.S. Nagra, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 235 dated 04.10.2019 registered under Section 22 of the NDPS Act, at Police Station Canal Colony, Bathinda, District Bathinda.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. It is further submitted that the alleged recovery of 1000 tablets of Clovidol 100 SR was effected from the petitioner in violation of the provisions of Section 42 of the NDPS Act, and once there was violation of the mandatory provisions, the recovery effected on the basis of the disclosure statement also stands vitiated. The petitioner has been in custody since 14.10.2019.

Additionally, the learned counsel for the petitioner prays for grant of regular bail on the ground of massive spread of Covid-19 cases.

Copy of custody certificate by way of affidavit dated 03.11.2020 of the Deputy Superintendent, Central Jail, Bathinda, submitted by the learned State counsel through email, is taken on record.

While opposing the bail application of the petitioner, learned State counsel submits that the recovered contraband falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 14.10.2019. The recovery of contraband falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity. The prayer of the petitioner for release on bail on Covid-19 ground does not have any merit either.

Therefore, I do not find any ground to grant him the concession of regular bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

04.11.2020
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No