

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 18024 of 2020
Date of Decision: 28.8.2020**

Karnail Singh @ Kalia

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. S.S.Deol, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 254 dated 03.9.2017 under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no recovery has been effected from him. It is also submitted that earlier the petitioner was released on interim bail by the learned Additional Sessions Judge, Kapurthala vide order dated 03.9.2017 awaiting the report of Chemical Examiner. Thereafter, due to the absence of the petitioner from the Court, his arrest warrants were issued on 21.5.2018. The petitioner surrendered on 17.3.2020 and since then he has been in custody. It is further submitted that

the mandatory provisions of Section 50 of the NDPS Act have not been

complied with.

On the other hand, learned State counsel has opposed the bail application.

I have heard the learned counsel for the petitioner as well as learned State counsel.

In the present case, the petitioner has been found in possession of 110 grams of intoxicant powder, without having any valid license or permit. As per the report of Forensic Science Laboratory, salt 'Alprazolam' was found present in the intoxicant powder, recovered from the petitioner. The recovery effected from the petitioner 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.

Keeping in view the above, no ground for grant of regular bail to the petitioner is made out.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

August 28, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No