

CRM-M-23402-2020

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

CRM-M-23402-2020
Date of Decision: 26.08.2020

Prem Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Manpreet Ghuman, Advocate,
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Custody certificate by way of affidavit of the Deputy Superintendent, District Prison, Mansa, has been filed through e-mail. Print out of the same is taken on record.

Through this petition, the petitioner seeks regular bail in case FIR No.64 dated 23.03.2019, registered at Police Station Sardulgarh, District Manga, under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act').

Learned counsel for the petitioner contends that recovery has allegedly been effected in the present case; that the petitioner has been in custody since 23.03.2019; that challan has been presented and charges have been framed and that no useful purpose would be served by keeping the petitioner behind the bars.

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On the other hand, learned State counsel submits that recovery of intoxicant tablets was effected from the rear seat of the car on which the petitioner was sitting, and that recovery effected in the present case falls in commercial quantity.

I have heard the learned counsel for the parties and gone through the record.

The recovery of intoxicant tablets was effected from the rear seat of the car, which was occupied by the petitioner. Merely presentation of challan or framing of charge is not a ground for releasing the petitioner on bail, especially when recovery of intoxicant tablets effected in the present case falls in commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity.

Therefore, finding no merit in the present petition, the same is dismissed.

26.08.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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