

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

CRM-M-16349-2021 (O&M)

Date of decision: 12.04.2021

KULDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.S. Bhullar, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.04 dated 05.01.2021 registered under Section 21(c) and Section 29 (added later on vide DDR No.21 dated 10.01.2021) of the NDPS Act, 1985, at Police Station Kabarwal, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that neither the petitioner was apprehended from the spot nor any recovery, whatsoever, was effected from him. The alleged recovery of 1 kg heroin, was effected from an Alto Car, which was being driven by co-accused Gurbhej Singh. He further submits that the petitioner along with one Parwinderpal Singh were indicted in the present case vide DDR No.21 on 10.01.2021.

Notice of motion.

On the asking of the Court, Mr. Sandeep Vermani, Addl. A.G.,

Punjab, accepts notice and states that the aforesaid recovered contraband falls under the commercial quantity and Section 37 of the NDPS Act, bars the grant of bail to the accused in the cases of commercial quantity.

I have heard the learned counsel for the parties.

It is a case of recovery of commercial quantity. During investigation, it had surfaced that the petitioner is the neighbour of Gurbhej Singh and is a drug addict and consumes heroin. He had introduced Gurbhej Singh to Satpal Singh @ Satnam Singh, who used to bring the countraband from Rajasthan. Undisputedly, the recovery effected falls under the commercial quantity. Thus, keeping in view the bar contained in Section 37 of the NDPS Act, no case is made out to grant the concession of bail to the petitioner.

The petition sans merit and is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

12.04.2021

Aman Jain

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No