

105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4359-2022
Date of Decision: 19.04.2022

Ranjodh Singh @ Jodha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

JASJIT SINGH BEDI, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.38 dated 08.04.2021, registered under Sections 22 of NDPS Act, 1985 at Police Station Khilchian, District Amritsar.

As per the prosecution case, the petitioner was apprehended and on the handle of the motorcycle one plastic polythene packet of black colour was hanging. The said packet was searched and pursuant thereto, and 2250 intoxicating tablets were recovered from the said packets leading to the registration of the FIR.

The learned counsel for the petitioner claims that there is a violation of Section 50 of the NDPS Act and the police has falsely implicated in this case. He further claims that there is gross violation of Sections 42, 55 and 57 of the NDPS Act and another provisions of the

Act. He submits that the petitioner had been granted the concession of interim bail on account of non-receipt of the FSL report and did not misuse the same. He thus, prays for the grant of regular bail.

On the other hand, the learned State counsel submits that a commercial quantity of intoxicant has been recovered from the petitioner and as such the petitioner cannot be granted the concession of regular bail in view of the bar under Section 37 of the NDPS Act.

I have heard the rival contentions of both the parties.

Admittedly, the recovery from the petitioner is of commercial quantity of the contraband. The provisions of Section 50 of the Act would not apply to the case of the petitioner because the recovery was not from his possession but from a plastic packet hanging on his motorcycle.

In view of the fact that the recovery is of commercial quantity and there being a specific bar in terms of Section 37 of the NDPS Act, the petitioner cannot be granted the concession of regular bail.

Accordingly, the present petition is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

19.04.2022
JITESH

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