

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

**238**

**CRM-M-9981-2022 (O&M)**

**Date of Decision: 05.04.2022**

GURPREET SINGH @ PREET

... Petitioner

Versus

STATE OF HARYANA

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. SS Bhinder, Advocate  
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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**HARNARESH SINGH GILL, J.(Oral)**

Through this petition, the petitioner seeks regular bail in case bearing FIR No.137 dated 14.06.2021, registered under Section 18(b) of the NDPS Act, 1985 and Sections 27-A, 29 of the NDPS Act (added later on), at Police Station Guhla District Kaithal.

Learned counsel for the petitioner submits that the petitioner was arrested from outside his house; that the alleged recovery has been effected from inside the house where the toilet was constructed; that the petitioner has been in custody since 14.06.2021 and that no recovery was effected from the petitioner.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel, does not dispute the custody period of the petitioner. He, however, submits that heavy recovery of 21 kgs opium was effected from the house of the petitioner, which is a commercial quantity and Section 37 NDPS Act bars the grant of bail to the accused from whom the recovery of commercial quantity is

effected. He further submits that post presentation of the challan, the charges are yet to be framed.

I have heard the learned counsel for the parties.

As noticed above, recovery of commercial quantity has been effected from the petitioner and in view of the stringent provisions contained in Section 37 of the NDPS Act, no case is made out to grant regular bail to the petitioner.

Dismissed.

05.04.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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