

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

237

CRM-M-11209-2022 (O&M)

Date of Decision: 22.03.2022

VIJAY SAINI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vikram Bali, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through the instant petition the petitioner seeks regular bail in case bearing FIR No.114 dated 04.07.2020, registered under Section 22 of the NDPS Act, at Police Station Lalru, District SAS Nagar.

Learned counsel for the petitioner submits that the alleged recovery of 4080 capsules of Pyeevon Spas Plus was effected from a scooty, driven by the petitioner; that the petitioner is not the registered owner of the said scooty and that the petitioner has been in custody since 04.07.2020.

On the other hand, while opposing the prayer for granting bail to the petitioner, learned State counsel submits that the recovery of 4080 capsules containing 2578 grams of Tramadol Hydrochloride, effected from the petitioner, is a commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity.

I have heard the learned counsel for the parties.

The recovery of contraband 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. Moreover, in view the nature of the offence committed by the petitioner, possibility of him again indulging himself in similar crime, if released on bail, cannot be ruled out.

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

Dismissed.

22.03.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No