

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

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CRM-M-12749-2022 (O&M)

Date of Decision: 01.08.2022

SATNAM SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rajesh Duhan, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.43 dated 18.03.2021, registered at Police Station Shambhu, District Patiala, under Section 22 NDPS Act, 1985, first one being dismissed as withdrawn on 07.12.2021.

Status report by way of an affidavit dated 30.07.2022 of the Deputy Superintendent of Police, Circle Ghanaur, Patiala, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner contends that the petitioner, who is a taxi driver, has been in custody since 18.03.2021; that his taxi was hired by co-accused, namely, Kuldeep Singh and Sunita from whom the alleged intoxicant tablets and injections had been recovered, and that the petitioner has no concern either with the co-accused or the alleged intoxicant tablets.

Per contra, 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 a huge recovery of 60 intoxicant injections make Buprenorphine, 2400 intoxicant tablets make Tramadol Hydrochloride and 130 loose blue coloured capsules, was effected from the petitioner, which is a commercial quantity. He further submits that 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. Above all, the petitioner was the driver of the vehicle from which the recovery was effected.

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

Dismissed.

01.08.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*