

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

CRM-M-13769-2022

Date of Decision:06.07.2022

Mange @ Ravi

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ullas Kapoor, Advocate for
Mr. Vijay Singh, Adocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.184 dated 13.12.2021, registered at Police Station Balongi, District SAS Nagar, under Section 22 NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the FIR was registered without effecting any recovery; that as per the prosecution version, the alleged contraband was placed between the driver and the pillion rider, but it has not been mentioned as to who was driving the motor-cycle. The petitioner has been in custody since 13.12.2021. On this premise, the learned counsel prays for the grant of bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that as per the investigating agency, the petitioner is the owner of the motor-cycle, and that he was driving the motor-cycle at the relevant time whereas co-accused Vijay Singh was a pillion rider. He further submits that 39000 tablets of

Lomotil, containing the salt of Diphenoxylate Hydrochloride, were recovered from a bag lying in between the accused and that the aforesaid recovery falls under commercial quantity.

I have heard the learned counsel for the parties.

Indisputably, the extent of recovery of intoxicant tablets effected in the present case, falls under 'commercial quantity'. Section 37 NDPS Act bars the grant of bail to the accused in case of 'commercial quantity'.

Therefore, finding no merit in the present petition, the same is dismissed.

06.07.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

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