

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

231

CRM-M-15686-2022 (O&M)

Date of Decision: 19.07.2022

VIJAY SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. MS Bhatti, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG 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 under Sections 22, 61 and 85 of the NDPS Act, at Police Station Balongi, District Mohali.

Learned counsel for the petitioner submits that the bag from which the alleged recovery of 39,000/- intoxicant tablets were recovered does not belong to the petitioner and that the petitioner has been in custody since 13.12.2021. He further submits that the petitioner was the pillion rider on the motorcycle, which was driven by the co-accused and that there is no other case registered and/or pending against the petitioner.

On the other hand, learned State counsel while opposing the prayer for grant of regular bail to the petitioner, submits that the recovery effected in the present case, falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in case

of the commercial quantity. He further submits that the recovery was effected from a bag which was lying in between the petitioner and the co-accused, while they were travelling on the motorcycle. He further submits that the bail petition preferred by co-accused, namely, Mange @ Ravi, had been dismissed by this Court on 06.07.2022. He, thus, prays for dismissal of the present petition.

I have heard the learned counsel for the parties.

Keeping in view the stringent provisions of Section 37 of the NDPS Act and the possibility of the petitioner's involving himself in similar crime again, if granted the concession of bail, do not entitle him for the concession of regular bail.

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

Dismissed.

19.07.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>