

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

217

CRM-M-24097-2022 (O&M)

Date of Decision: 02.06.2022

HAPPY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sunil Kumar Rana, Advocate
for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.51 dated 29.01.2020, registered under Sections 15, 27-A and 29 of the NDPS Act, at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case; that the petitioner was arrested in the present case on 01.02.2020; that the alleged recovery of 135 kilogram poppy straw was effected from co-accused, namely, Rajbir Singh; that no recovery is to be effected from the petitioner and that post completion of the investigation, the challan stands presented. He further submits that the provisions of Sections 50 and 51 of the NDPS Act have not been complied with and that co-accused, namely, Jagmal Singh @ Kala, has already been granted the concession of bail by this Court on 03.03.2021.

While opposing the bail application of the petitioner, learned State counsel submits that the recovered 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.

I have heard the learned counsel for the parties.

Indisputably, the recovered 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.

Therefore, I do not find any ground to grant concession of regular bail to the petitioner.

Dismissed.

02.06.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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