

205 **THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-27910-2022
Date of Decision: 07.07.2022**

Mohammad Ishaan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny K.Singla, Advocate,
 for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

This is the 5th petition filed on behalf of the petitioner for the grant of regular bail in FIR No.41, dated 05.04.2020, registered under Section 22 of the NDPS Act, 1985, and Section 188 of the IPC at Police Station Shambu, District Patiala.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present case.

Learned counsel for the petitioner submits that even otherwise, the petitioner is behind the bars for the last two years and two months, and therefore, he may kindly be extended the concession of regular bail as the trial is likely to take some time before its concludes.

Learned State counsel opposes the prayer of the petitioner for the grant of regular bail on the ground that the contraband having commercial quantity has been recovered from the petitioner.

I have heard learned counsels for the parties and have gone

through the record with their able assistance.

In the present case, different nature of contrabands of commercial quantity have been recovered from the petitioner and once the quantity of contraband recovered is commercial in nature, the provisions of Section 37 of the NDPS Act, 1985, come into operation. Further, nothing has been brought to the notice of this Court to show that even *prima facie*, the allegations alleged against the petitioner are false in any manner. That being so, concession of regular bail cannot be extended to the petitioner only on the basis of the period of custody already undergone by him and that too by ignoring Section 37 of the NDPS Act, 1985.

Dismissed.

07.07.2022*Apurva***(HARSIMRAN SINGH SETHI)****JUDGE**

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |