

244

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

**CRM-M-31910-2022
Date of Decision: 24.08.2022**

Vijay Kapoor

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.S. Kang, Advocate for
Mr. Mohit Aneja, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.197, dated 04.06.2021 under Section 17 of the N.D.P.S. Act, registered at Police Station Asauda, District Jhajjar.

Mr. J.S. Kang, Advocate has caused appearance on behalf of Mr. Mohit Aneja, learned arguing counsel and has submitted that the petitioner is in custody since 04.06.2021 and the investigation of the case has already been completed but no witness has been examined and the petitioner was falsely implicated in the present case. He also submitted that the petitioner is not involved in any other case and in view of the aforesaid factual position, the petitioner may be considered for the grant of regular

bail.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana has submitted that the petitioner along with the other co-accused were caught on the spot and after completing all the formalities under Sections 42 & 50 of the NDPS Act, whereby the Magistrate was also called, there was a recovery of 4½ kgs. of *Opium* from the car. He further submitted that the aforesaid quantity falls within the category of commercial quantity under the NDPS Act and the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act and has therefore, prayed for the dismissal of the present bail petition.

I have heard the learned counsel for the parties.

The alleged recovery from the petitioner and the other co-accused was 4½ kgs. of *Opium*, which falls under the commercial quantity under the N.D.P.S. Act. There is no ground available with the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act. Consequently, the present petition is devoid of merit and the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

24.08.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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