

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

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CRM-M-39170-2022 (O&M)

Date of Decision: 05.09.2022

MANVEER SINGH

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. HS Sidhu, Advocate
for the petitioner.

Mr. Subhash Godara, Additional Advocate General, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.102 dated 21.09.2021, registered under Section 22 of the NDPS Act, at Police Station Smalsar, District Moga, the first one having been dismissed as withdrawn on 04.08.2022.

Learned counsel for the petitioner submits that the alleged recovery was effected from a transparent bag; that the petitioner has been in custody since 21.09.2021 and that no independent witnesses was joined at the time of the alleged recovery.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the contraband recovered in the present case, falls under the commercial quantity and the case of the petitioner is hit by the bar contained under Section 37 NDPS Act.

However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The recovery of contraband effected from the petitioner, falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in case of commercial quantity.

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

Dismissed.

05.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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