

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

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CRM-M-43872-2021 (O&M)

Date of Decision: 23.05.2022

JAI DEV

... Petitioner

Versus

UNION OF INDIA THROUGH NCB CHANDIGARH

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. MD Khan, Advocate
for the petitioner.

Ms. Puneeta Sethi, Advocate
for the respondent.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case Crime No.06 dated 21.01.2021, registered at Police Station NCB Chandigarh, under Sections 8, 20, 28, 29 and 60 NDPS Act.

Learned counsel for the petitioner submits that the petitioner, who is 19-year-old, has falsely been implicated in the present case; that recovery of the contraband was not effected from the conscious possession of the petitioner and rather, it was effected from the internal body of the car, and the petitioner was occupying the rear seat of the said car; that no specific act has been attributed to the petitioner; that neither there is any other case registered or pending against the petitioner nor he has any bank account in his name; that the challan has been presented without FSL report, and that the petitioner has been in custody since 21.01.2021.

On the other hand, while opposing the prayer for grant of

regular bail to the petitioner, learned counsel for the respondent submits that the recovered contraband i.e. 6.840 kilogram of Charas, effected from the petitioner and his co-accused, falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of a commercial quantity. She further submits that the recovery was effected from the rear light, at the driver side, of the car, which was opened at the spot with the help of a screw driver. It is, thus, submitted that the petitioner, who was sitting in the said car, cannot be said to be not knowing about the substance being hidden in the rear light of the car.

I have heard the learned counsel for the parties.

The recovery of the contraband effected from the car, in which the petitioner was sitting in the rear seat, 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.

23.05.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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