

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

**CRM-M-40540-2022
Date of decision : 09.09.2022**

Gurjant Singh @ Janta

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Vikramjeet Singh, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0100, dated 04.07.2022, registered for the offences punishable under Sections 21(b) and 22(b) of the NDPS Act at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Counsel for the petitioner contends that no recovery was made from the person of the petitioner. The recovery alleged in the present case is said to be made from envelope said to have been thrown on the ground by the petitioner. The quantity so recovered is not commercial one and thus rigorous of Section 37 of the NDPS Act will not apply.

3. Mr. Sidhu appearing for the State vehemently opposes the prayer saying that the petitioner is facing two more FIRs of similar nature, but he is not in a position to deny that in those FIRs only the quantity is less than commercial.

4. Keeping in view the custody suffered by the petitioner and the fact that it is not a case of commercial quantity, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.09.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No