

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

**CRM-M-47160-2022 (O&M)
Date of decision: 24.11.2022**

Karma Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. F.S. Virk, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition is for grant of regular bail to the petitioner in case bearing FIR No.04 dated 06.01.2020, registered under Sections 21, 22, 29 of the NDPS Act, at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the alleged recovery of 30 sealed vials of ONREX and 45 strips of CARISOMA was effected from the petitioner and co-accused Rinku Singh, in total 450 tablets; that the 450 tablets does not fall under the NDPS Act; that the petitioner has been in custody since 06.01.2020 and that as far as other 04 case are concerned, including 02 cases under the NDPS Act, the petitioner is on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner is a habitual offender, as he is involved in other cases including two cases under the NDPS Act; that the recovery effected from the petitioner in the present case, falls under the commercial quantity and that 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. The petitioner is also involved in other cases under the NDPS Act and if he is released on bail, he may involve himself in similar other cases.

I have heard the learned counsel for the parties and have gone through the paper-book.

As stated by learned State counsel, the tablets recovered in the present case, fall under the category of 'commercial quantity'. Section 37 NDPS Act bars the grant of bail to the accused in case of 'commercial quantity'. The petitioner may involve himself in more cases under the NDPS Act, if he is released on bail.

The Hon'ble Supreme Court, in Criminal Appeal No.1001- 1002 of 2022, titled as 'Narcotics Control Bureau Vs. Mohit Aggarwal', decided on 19.07.2022, has held that length of the period of custody of the accused or the fact that the charge-sheet has been filed and the trial has commenced, are by themselves not considerations that can be treated as persuasive grounds for granting relief to the accused under Section 37 NDPS Act. Moreover, the petitioner is involved in other cases under the NDPS Act.

Considering the same, at this stage, no justifiable ground is made out to extend the concession of regular bail to the petitioner.

Consequently, the present petition stands dismissed.

24.11.2022

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No