

CRM-M-51069-2022

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

CRM-M-51069-2022

Date of decision:10.11.2022

Rinku Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. L.S.Sekhon, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.180 dated 30.06.2020, registered at Police Station City Sunam, District Sangrur, under Sections 22-C, 25 and 29 NDPS Act, 1985.

Learned counsel for the petitioner contends that there was no compliance of Section 42 NDPS Act; that recovery of intoxicating tablets was allegedly effected from a bag, which fell down on the ground from the scooty; that there is no other case registered or pending against the petitioner, at least of a similar nature and that the petitioner has been in custody since 30.06.2020. In support of his contentions, learned counsel relies upon the judgments dated 11.10.2022 and 31.10.2022 delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.2913-2022 and Special Leave to Appeal (Crl.) No.7840-2022, respectively.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that extent of intoxicating tablets allegedly recovered from the petitioner, falls under the 'commercial quantity', and Section 37 NDPS Act bars the grant of bail to the accused in case of 'commercial quantity'.

I have heard the learned counsel for the parties.

This is the third petition seeking grant of regular bail, the first one having been dismissed on merit on 10.12.2021 and the second one dismissed as withdrawn on 18.07.2022.

Although the petitioner has been in custody since 30.06.2020, yet the fact remains that the extent of intoxicating tablets allegedly recovered from the petitioner, falls under the 'commercial quantity', and Section 37 NDPS Act bars the grant of bail to the accused in case of 'commercial quantity'.

So far as the judgments cited by the learned counsel for the petitioner, are concerned, the same are not applicable to the present case having distinguishable facts.

In view of the above, finding no merit in the present petition, the same is dismissed.

10.11.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No