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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53192-2024
Date of decision:-27.05.2025

RAM DIYAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

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

Mr. Roshandeep Singh, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
70	02.06.2023	20 29, of NDPS Act (20-C, 27-27A added lateron)	City Budhlada, District Mansa

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that petitioner was arrested on 02.06.2023 and as per prosecution’s case alleged recovery of 150 kg of ganja was effected from the house of the petitioner. He contends that after completion of investigation challan has already been presented in Court, wherein prosecution has cited 12 witnesses and conclusion of trial will take sufficient long time. Hence,



prays for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that police had apprehended the petitioner and 150 kg of ganja was recovered from his house. He submits that the recovered contraband falls within the purview of commercial quantity, attracting bar under Section 37 of the NDPS Act. Hence prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that in FIR No. 352 dated 18.05.2023, under Section 20B(II)C, 27 A NDPS Act, PS City Hansi, District Hansi, Surender Singh was apprehended and during interrogation he had disclosed that his partner Ramdhari, has sold the narcotic substance, bought together in large quantity, to relative of Ramdhari namely Ramphal son of Ram Diyal i.e. present petitioner, as such raid was conducted on 02.06.2023 and petitioner was apprehended and on search of his house recovery of 150 kg of ganja was effected. Admittedly, the recovered contraband falls within the purview of commercial quantity attracting bar under Section 37 of the NDPS Act, therefore, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the bail petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

7. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

27.05.2025

Gyan

- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No