

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

**Crl. Misc. No. M-2072 of 2015
Date of decision: 27.01.2015**

Bhushan Kumar

...Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

RITU BAHRI, J.

This petition under Section 438 Cr.P.C is for grant of pre-arrest bail to the petitioner in case F.I.R No. 251 dated 20.11.2014, under Section 22 of Narcotic Drugs & Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station Talwandi Sabo, District Bathinda.

Earlier, the Additional Sessions Judge (FTC), Bathinda, has dismissed two bail applications of the petitioner vide orders dated 29.11.2014 and 09.01.2015 (Annexures P-2 and P-4 respectively). A perusal of these orders shows that recovery of one plastic bottle containing 1 liter 320 mls and another bottle containing 750 mls of intoxicant solution was effected from the petitioner, which comes under the category of 'commercial quantity'. There are 3-4 other cases pending against him under the NDPS Act and he is a habitual offender involved in drugs menace.

Learned counsel for the petitioner has given the details of five

FIRs registered against the petitioner, which are as under:-

1. FIR No.141 dated 20.10.2007, under Section 22/61/85 of NDPS Act, registered at Police Station Talwandi Sabo.
2. FIR No.96 dated 20.09.2009, under Section 22/61/85 of NDPS Act, registered at Police Station Talwandi Sabo.
3. FIR No.159 dated 27.11.2010, under Section 22/61/85 of NDPS Act, registered at Police Station Talwandi Sabo.
4. FIR No.78 dated 14.07.2012, under Section 22/61/85 of NDPS Act, registered at Police Station Talwandi Sabo.
5. FIR No.79 dated 21.05.2013, under Section 22/61/85 of NDPS Act, registered at Police Station Talwandi Sabo.

The petitioner is on bail in these cases.

As per the information given, the petitioner has been facing trials under the NDPS act right from the year 2007. The present FIR has been registered on 20.11.2014. In this case, the recovery falls under the category of 'commercial quantity.

In these circumstances, no case for grant of anticipatory bail/pre-arrest bail is made out.

Dismissed.

(RITU BAHRI)
JUDGE

27.01.2015
ajp