

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-28921 of 2015

Date of Decision:-02.09.2015

Hardev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE SHEKHER DHAWAN

Present:- Mr. Harchand Singh Batth, Advocate,
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

SHEKHER DHAWAN, J.

Petitioner Hardev Singh has filed present petition under Section 439 Cr.P.C. for release him on regular bail in FIR No.140 dated 18.09.2013 under Section 22 NDPS Act, Police Station Sarhali, District Tarn Taran.

Learned counsel for petitioner contended that present petitioner was earlier released on bail on 19.11.2013 and he has not misused the concession of bail till he was taken in custody on 04.08.2015. Learned counsel for the petitioner also contended that as per FIR 1400 Amphetamine intoxicant tablets Microlit were recovered but as per report of chemical examiner the assay of diphenoxylate hydrochloride to the extent of 2.48 mg. per tablet and as such material recovered as per FIR and chemical examiner report are different. The decision of case still to take some more time and he be released on bail.

Learned State counsel opposed the application that petitioner was found to be in possession of 1400 tablets of diphenoxylate hydrochloride to the extent of 2.48 mg. per tablet which is otherwise commercial quantity and as per provisions of Section 37 of NDPS Act present petitioner is not entitled to be released on bail.

At this stage without expressing anything on the merits of the case and keeping in view the fact that petitioner found to be in possession of 1400 tablets of diphenoxylate hydrochloride to the extent of 2.48 mg. per tablet. No case is made out for _____anticipatory bail.

In view of the above, present petition stands dismissed.

September 02, 2015
msd

(SHEKHER DHAWAN)
JUDGE