

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39320 of 2015

.....

Date of decision:3.12.2015

Satyavan

...Petitioner

v.

State of Punjab

...Respondent

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Divjyot S. Sandhu, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.143 dated 24.11.2014 registered for the offence under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station G.R.P. Jalandhar, District Jalandhar.

I have heard learned counsel for the petitioner and have gone through the record.

As per the prosecution version, after receiving the report of the Chemical Examiner the salt in the intoxicant powder, which was recovered from the accused, is found containing 'Diphenoxylate Hydrochloride'. Total 350 Grams of salt 'Diphenoxylate Hydrochloride' in the intoxicant powder

falls in commercial quantity.

Learned trial Court also granted the interim bail till the receiving of the report of the Chemical Examiner. When the report of the Chemical Examiner received and the recovery was found commercial quantity, then the bail application moved by the petitioner was dismissed. As the recovery from the present petitioner falls under commercial quantity, therefore, Section 37 of the Act will apply which bars the grant of bail to the accused in the case of commercial quantity.

Therefore, keeping in view the facts and circumstances of the present case, I do not find it a fit case where the present petitioner is entitled to the benefit of anticipatory bail.

Therefore, finding no merit in this petition, the same is dismissed.

December 3, 2015.

(Inderjit Singh)
Judge

hsp