

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

**CRM No.M-13955 of 2016 (O&M)
Date of decision : 26.04.2016**

Chander Shekhar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. D.S. Gandhi, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks concession of pre-arrest bail in case FIR No.144 dated 12.08.2014, under Sections 22/61/85 of the NDPS Act, registered at Police Station Kamboj, District Amritsar.

Briefly noticed and as per prosecution version, the alleged recovery from the petitioner was of 100 grams of intoxicant powder.

It is not in dispute that the petitioner had been granted concession of interim bail while awaiting the report of the Chemical Examiner.

Counsel appearing for the petitioner has very fairly stated that as per report which has since been received, diphenoxylate hydrochloride salt has been found.

The alleged recovery from the petitioner would be construed as commercial in quantity.

Under such circumstances, this Court is not inclined to entertain the petition under Section 438 Cr.P.C.

Petition is dismissed.

26.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**