

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

CRM-M No.16606 of 2016 (O&M)

Date of Decision: 02.06.2016

Ramesh Kumar @ Meshi

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sandeep S. Majithia, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State along with H.C. Sukhvinder Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of anticipatory bail on behalf of the accused-Ramesh Kumar @ Meshi in case FIR No.236 dated 20.06.2014, under Sections 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered with Police Station A. Division, District Amritsar.

There was a recovery of 105 grams of intoxicating powder.

Due to non-availability of the FSL report, the petitioner was granted interim bail on 25.08.2014.

The FSL report dated 23.02.2015 was received indicating the presence of 2.03% *Diphenoxylate Hydrochloride* rendering the quantity to be commercial in nature. Subsequently, the challan along with the FSL report was presented on 09.09.2015. Somehow, the interim bail was not cancelled and for the absence of the accused on 22.01.2016, his bail bonds were cancelled and nonailable warrants of arrest were issued.

The position as it stands today is that the seized quantity is commercial in nature and, therefore, the bar under Section 37 of the NDPS Act is operative.

Without commenting on the merits of the case, keeping in view the fact that the seized quantity has now been reported as commercial in nature and the facts as noticed above, the present petition is dismissed.

June 02, 2016

Gagan

(JASWANT SINGH)
JUDGE