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

**C.R.M-M No.24902 of 2016
Date of Decision : 28.07.2016**

Gujral Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.P.S. Sidhu, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No.118 dated 23.06.2016, registered under Sections 22, 61, 85 of the NDPS Act, at Police Station Kotwali, District Kapurthala.

As per the allegations, the police received secret information that the petitioner would be coming in his vehicle with intoxicating substance and a naka was set up and when the petitioner's vehicle came and was signalled to stop he turned the vehicle around and escaped after abandoning the vehicle and the from the search of the vehicle 500 gms.

of intoxicating powder was recovered.

Learned counsel for the petitioner has argued that the main reason which has weighted with the Sessions Court to decline the application for bail was that the petitioner has been involved in other cases of N.D.P.S. but that was an omnibus FIR against about 30 persons where no recoveries were made and 24 of those, including the petitioner, had been granted the concession of anticipatory bail. As per him, it has not even been established that the material recovered is contraband.

In my considered opinion, it would not be a ground for anticipatory bail. Consequently, this petition is dismissed. It is however directed that in case the petitioner surrenders before the Court on or before 06.08.2016 and moves an application for regular bail the Court shall consider the prayer and release him on interim bail to its satisfaction till the receipt of the FSL report and thereafter the trial Court would decide the application for regular bail on merits.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

July 28, 2016
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No