

CRM-M-26781-2016

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

CRM-M-26781-2016

Date of Decision: 05.08.2016

Umar Deen @ Umra

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Deepak Goyal, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner-Umar Deen @ Umra has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.70 dated 24.07.2015, registered at Police Station City Malerkotla, District Sangrur, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'N.D.P.S., Act')

I have heard learned counsel for the petitioner and perused the record.

As per the prosecution version, charas weighing 2 kgs was recovered from the petitioner on 24.07.2015. The petitioner was in custody since 24.07.2015 and report of FSL was not received, therefore,

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he was released on interim bail by the trial Court vide order dated 01.10.2015. On receipt of the report of FSL, challan was presented in the Court.

As the recovery of charas weighing 2 kgs from the petitioner falls under commercial quantity, therefore, no ground is made out to grant benefit of bail to the petitioner as Section 37 of the N.D.P.S., Act bars the benefit of bail to the accused in case of commercial quantity.

Keeping in view the facts and circumstances of the present case and in view of the fact that contraband allegedly recovered from the petitioner falls under commercial quantity, I do not find it a fit case where the petitioner is entitled for benefit of anticipatory bail.

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

Petitioner is directed to surrender before the concerned court/jail authorities immediately.

05.08.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No