

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28347 of 2016
DECIDED ON: August 19, 2016

VINAY PARTAP SINGH @ VINAY @ PISHUPETITIONER..

VERSUS

STATE OF PUNJABRESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Mr. A.S. Sidhu, AAG, Punjab.

JASPAL SINGH, J.

Through the instant petition preferred under Section 439 of the Code of Criminal Procedure, the petitioner has sought concession of bail, in case FIR No. 139, dated 26.11.2014, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "Act"), Police Station Islamabad, District Amritsar, during the pendency of trial.

2. As per the case of prosecution, the petitioner was found in possession of 105 gms. of intoxicant powder in the area of Dhapai road near Railway Crossing, Amritsar on 26.11.2014, regarding which, he could not produce any license or permit. The sample of said intoxicant was sent to Chemical Examiner for its analysis, which was found to have been contained "*diphenoxylate hydrochloride*". Otherwise also, recovery of said intoxicant powder falls within the purview of commercial quantity and in view of the bar created by Section 37 of the Act, the petitioner does not deserve the concession

of bail.

3. Accordingly, the petition stands dismissed.

August 19, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No