IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-34797 of 2016
Date of Decision: 18.11.2016

Kaka Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Nitesh Singhi, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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HARI PAL VERMA, J.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.237 dated 21.11.2015 under Section 22 of the NDPS Act registered at Police Station GRP, Ludhiana, District Ludhiana.

Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case. He has submitted that the allegation against the petitioner is that he was found in possession of 30 bottles of Corex Cough Syrup, but the contraband recovered from him falls under the category of manufactured drugs and therefore, he has wrongly been booked under the NDPS Act. He further submitted that the FIR was registered on 21.11.2015 whereas as per

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the statement of PW-1 Amrik Singh, Form M-29 was prepared on 27.11.2015, which has caused a serious doubt in the prosecution story.

On the other hand, learned State counsel, on instructions from ASI Baljit Singh, submits that apart from the present FIR, wherein 30 bottles of Rexof containing Codeine Phosphate have recovered from the petitioner, FIR No.125 dated 28.8.2013 under Section 22 of the NDPS Act, P.S. GRP Ludhiana and FIR No.101 dated 20.7.2012 under Section 401 IPC, P.S. GRP Ludhiana have also been registered against the petitioner.

I have heard learned counsel for the parties.

Taking into consideration the fact that in addition to the present FIR, another case under the NDPS Act is registered against the petitioner, this Court does not find any merit in the present petition.

Dismissed.

November 18, 2016 **(HARI PAL VERMA)**
AK **JUDGE**

Whether speaking / reasoned? Yes / No
Whether reportable? Yes / No

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