

107

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-36312-2016

Date of decision-07.10.2016

Vicky

...Petitioner

Vs.

State of Punjab

...Respondent

**CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Naveen Sharma, Advocate for the petitioner.

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**JITENDRA CHAUHAN, J. (Oral)**

By way of present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.105 dated 02.05.2015, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS') at Police Station Shimlapuri, District Ludhiana.

It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the instant case. He was granted interim bail by the Court of learned Judge, Special Court, Ludhiana vide a order dated 09.07.2015 awaiting report of the chemical examiner. Now the report (Annexure P-3) has been received which reveals that 2.34% diphenoxylate hydrochloride was found in the sample received. He has not misused the concession of interim bail.

Heard.

Perusal of the chemical examiner's report (Annexure P-3) reveals that the contraband recovered from the petitioner falls under the

category of commercial quantity and the bar of Section 37 of NDPS Act applies.

In this view of the matter, no case for grant of anticipatory bail is made out.

Dismissed.

(JITENDRA CHAUHAN)  
JUDGE

October 07, 2016  
vanita

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |