

CRM-M-41082-2016

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

CRM-M-41082-2016

Date of Decision: 29.11.2016

Yashpal

... Petitioner

Versus

Narcotics Control Bureau, Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rahul Sharma-I, Advocate,
for the petitioner.

Mr. D.D.Sharma, Standing Counsel,
for respondent No.1.

Mr. P.S.Grewal, DAG, Punjab.

INDERJIT SINGH, J.

Petitioner, Yashpal, has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case bearing Crime No.20/2016 dated 13.05.2016, registered at Police Station Narcotics Control Bureau, Chandigarh Zonal Office, under Sections 8, 20, 23 and 29 of the NDPS Act, 1985.

Notice of motion was issued.

Learned Standing counsel appeared on behalf of respondent No.1 and learned State counsel put in appearance on behalf of respondent No.2-State. They contested this petition.

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I have heard learned counsel for the petitioner; learned Standing Counsel for respondent No.1; learned State counsel for respondent No.2 and have gone through the record.

From the record, I find that *Charas* weighing 1.880 kgs was recovered from the driver of Volvo Bus. As per the report of chemical examiner, samples were found positive for *Charas*. The aforesaid recovery falls in commercial quantity. Section 37 of the NDPS Act, 1985 bars the benefit of bail to accused in case of commercial quantity.

Without discussing the facts of the case in minute details and without expressing any opinion on the merits of case, I do not find it a fit case where the petitioner is entitled for the grant of anticipatory bail.

Dismissed.

29.11.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No