

CRM-M-42108-2016

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

CRM-M-42108-2016

Date of Decision: 23.11.2016

Kishan Chand @ Fitting

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ram Bilas Gupta, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner, Kishan Chand @ Fitting has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.382 dated 22.06.2016, registered at Police Station City Palwal, District Palwal, under Sections 20, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act').

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

From the record, I find that FIR has been registered on the basis of secret information. As per the FIR, 20 plastic bags (*Katta*) and 53 packets containing *Ganja*, were recovered from the truck. A huge recovery of *Ganja* has been made which falls under commercial quantity. There is allegation that the truck driver stated that *Ganja* was being taken by him on

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the asking of the truck owner, Kishan Chand @ Fitting, present petitioner. The present petitioner is stated to have committed the offence under Section 27-A of the NDPS Act. Section 37 of the NDPS Act bars the benefit of bail to the accused in case of commercial quantity.

Keeping in view the nature and gravity of the offence and in view of the fact that the present petitioner is required for custodial interrogation, I do not find it a fit case where the petitioner is entitled for the benefit of anticipatory bail.

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

23.11.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No