

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-4229 of 2016 (O&M)

Date of Decision: 10.02.2016

Kulwinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. H.S. Batth, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

Petitioner seeks the benefit of regular bail in case F.I.R. No.46 dated 29.5.2015 under sections 21, 22 of N.D.P.S Act, registered at Police Station, Sadar Gurdaspur.

Learned counsel for the parties have been heard.

As per prosecution version the recovery effected from the petitioner is 100 grams of intoxicant powder and 100 capsules. As per Chemical Examiner report the salt recovered from the petitioner is found to be containing Diphenoxylate Hydrochloride.

As per learned State counsel recovery in excess of 50 grams of such salt is construed as commercial quantity.

That apart, learned State counsel has apprised the Court that the petitioner is a habitual offender inasmuch as apart from the present F.I.R he is involved in four other cases under the N.D.P.S Act. In two of such matters the petitioner has already been convicted for offence under the N.D.P.S Act.

Under such circumstances, prayer of the petitioner seeking benefit of regular bail is declined.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

10.02.2016

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