

CRM-M-1674-2017

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

CRM-M-1674-2017

Date of Decision: 20.01.2017

Gurpreet Singh @ Gopi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sanjeev Banga, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner-Gurpreet Singh @ Gopi has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.110 dated 20.05.2014, registered at Police Station Jandiala Guru, District Amritsar Rural, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act').

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that earlier, the petitioner was arrested on 20.05.2014 and since the report of FSL was not received, therefore, he was released on interim bail. Now, the report of chemical examiner has been received.

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As per the case of prosecution, intoxicant powder weighing 120 grams was recovered from the present petitioner. The Chemical Examiner, Punjab found the said intoxicant powder containing Diphenoxylate Hydrochloride. 50 grams or more of this salt fall within the category of commercial quantity. Section 37 of the NDPS Act bars the benefit of bail to the accused in case of commercial quantity.

Keeping in view the facts and circumstances of the present case and in view of the fact that contraband allegedly recovered from the petitioner falls under commercial quantity, I do not find it a fit case where the petitioner is entitled to the benefit of anticipatory bail.

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

20.01.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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