

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

CRM-M-26921 of 2017 (O&M)

Date of decision: 29.08.2017

Jasbir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Jitesh Bhardwaj, Advocate for the petitioner(s).

Ms. Mahima Yashpal, AAG, Haryana
assisted by ASI Atma Ram.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 46 dated 03.03.2016, registered under Section 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Kalanwali, District Sirsa.

It is contended that as per FIR, 35 bottles of corex and 25 bottles of rexfcof were recovered from the petitioner and co-accused, whereas sample has been drawn only from one bottle of corex and rexfcof. He further states that the sample ought to have been drawn from each bottle.

On the other hand, the learned State counsel opposes the bail application and states that the petitioner does not possess any licence

either under NDPS Act or under Drugs & Cosmetic Act. The quantity of contraband falls under commercial quantity. The bottles recovered were of the same batch.

Heard.

The Court feels that the suggestions put forth by learned counsel for the petitioner warrants rejection as the purpose of sampling is to send in a representative quantity and not the whole quantity. It is not the case of the petitioner that the bottles are of different colour, size or weight. Moreover, this is the second bail petition filed by the petitioner. The petitioner does not hold any licence to possess the said bottles. Keeping in view the quantity of contraband and in view of the bar as provided under Section 37 of the NDPS Act Keeping in view the above, no case for grant of regular bail, is made out

At this stage, the learned counsel for the petitioner seeks to withdraw the present application.

Prayer allowed.

Dismissed as withdrawn.

29.08.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No