

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

CRM No.M-28830 of 2017 (O&M)

Date of Decision: August 09, 2017

Major Masih

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rishu Mahajan, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.19 dated 28.03.2015 under Section 21 of the NDPS Act, Sections 307, 188 IPC, Section 25 of the Arms Act, Section 14 of Foreigners Act and Section 3/34/20 of Indian Passport Act, registered at Police Station Bhindi Saidan, Amritsar.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

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

As per prosecution version, on the intervening night of 27 & 28th March, 2015, a special ambush was laid in Amritsar of BOP Majhmian 67 BN BSF. Ambush party saw three miscreants along with PVC pipe,

silently emerged in front of Ambush and they started inserting RPS through the Border Security Fence. Ambush party challanged them upon which they fired on the ambush party. On search in the field, 24 packets of heroin have been recovered found inserted in a cloth tube further inserted into PVC pipe.

The present petitioner has been nominated in this case on the basis of disclosure statement of co-accused and recovery falls under commercial quantity.

In view of the above facts and circumstances, I find that present petitioner is required for custodial interrogation. Otherwise also, Section 37 of the NDPS Act bars the grant of bail in case of commercial quantity. No ground is made out for granting anticipatory bail to the present petitioner.

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

August 09, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No