

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

**CRM No. M-34934 of 2017 (O&M)**

Date of Decision: 25.09.2017.

Ajit

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM : Hon'ble Mr. Justice Jitendra Chauhan**

Present : Mr. G.S. Brar, Advocate,  
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

**JITENDRA CHAUHAN.J.(ORAL)**

This is second bail application filed under Section 439 Cr.P.C in case FIR No.162 dated 22.06.2016 registered under Sections 186, 323, 332, 353 and 504 read with Section 34 IPC and Sections 21, 21-B, 21-C and 22 of NDPS Act at Police Station Sadar Dabwali, District Sirsa.

It is contended that the petitioner has been falsely implicated in the present FIR. It is further contended that there is violation of Section 50 of the NDPS Act as the personal search of the petitioner was not conducted before a gazetted officer or Magistrate. The alleged recovery of 32 bottles of Corex syrup and 210 gms of narcotic substance does not fall under the NDPS Act.

On the other hand, the learned State counsel opposes the bail application.

Heard.

As per the allegations, the petitioner was arrested from the spot. A recovery of 32 bottles of Corex cough syrup containing 100 ml each and a polythene bag containing 210 gms of codeine phosphate was effected from the conscious possession of the petitioner. The quantity is commercial in nature. Therefore, no case for grant of concession of regular bail is made out.

Consequently, the petition is dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

25.09.2017.  
SN

**(JITENDRA CHAUHAN)**  
**JUDGE**

|                                    |               |
|------------------------------------|---------------|
| <b>Whether speaking/reasoned :</b> | <b>Yes/No</b> |
| <b>Whether reportable :</b>        | <b>Yes/No</b> |