

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

CRM-M-524 of 2017 (O&M)

Date of decision: 08.03.2017

Gurnam Singh @ Gamu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

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 case FIR No.95 dated 26.10.2015, registered under Sections 15 & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Bakhshiwala, District Patiala.

It is contended that as per FIR, recovery of 5 kgs of poppy husk along with 1000 plain loose tablets was effected from the conscious possession of the petitioner. However, in the inventory sent to FSL, the word 'allied' has been inscribed on one side of each tablet whereas the recovered tablets do not have any mark. In support of his contentions, the learned counsel cites **State of Punjab** Vs.

Dharam Singh, 2010(3) RCR (Criminal) 94. The petitioner is in custody since 26.10.2015.

On the other hand, the learned State counsel opposes the bail application and has brought on record the order dated 03.03.2017, passed by the CJM, Patiala on an application moved by the prosecution for report after checking the case property which states that the word 'allied' has been inscribed on the 20 tablets sent for sample as well as on the remaining 980 tablets.

I have heard learned counsel for the parties and perused the record.

A bare perusal of the report of Chief Judicial Magistrate, Patiala reveals that word 'allied' on one side of each of the tablets has been embossed. The petitioner is a previous convict. Keeping in view the above and in view of the bar as provided under Section 37 of the NDPS Act, no case for grant of relief sought, is made out. The ratio of case law cited by the learned counsel for the petitioner is distinguishable on facts and will not apply in the present case.

Dismissed.

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

08.03.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No