

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

CRM M-21521 of 2017

Date of decision : 18.01.2018

Rajinder Singh

...Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Simranjeet Singh Sarwara, Advocate for the petitioner.

Mr. Chetan Sharma, AAG Haryana.

RAJAN GUPTA J.

This is a petition filed under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner vide FIR No. 34 dated 14.04.2017 under sections 15 of the NDPS Act at Police Station Kotfatta, District Bathinda.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. According to him, petitioner was not apprehended on the spot and cannot be held liable for being in possession of contraband. Thus, he deserves the concession of pre-arrest bail.

Learned State counsel has opposed the prayer. He submits that quantity of contraband recovered from the petitioner is commercial in nature. According to him, petitioner is a habitual offender. He is thus not entitled to concession of bail.

According to prosecution case, 210 kgs of poppy husk was recovered from the vehicle belonging to the petitioner on 14.04.2017.

According to stand of the prosecuting agency, the quantity is commercial in nature. Thus, section 37 of the Act would be attracted. In view of same, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. Dismissed.

January 18, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No