

CRM-M-33285-2018

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

CRM-M-33285-2018

Date of Decision:03.08.2018

Gurdev Singh Geba

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner-Gurdev Singh Geba has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.156 dated 17.11.2015, registered at Police Station B-Division, District Amritsar, under Sections 399, 402, 379 and 411 of IPC, Section 25 of the Arms Act, 1959 and Sections 21 and 22 of the NDPS Act, 1985.

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

As per the order dated 05.07.2018 passed by learned Additional Sessions Judge, Amritsar, the present petitioner was earlier in custody and he was granted interim bail by the Court as report of FSL was not received at that time. Now, the report of FSL has been received and as per the same, the intoxicant powder which was recovered from the petitioner, contains Diphenoxylate Salt. In the present case, 190 grams of

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intoxicant powder containing **Diphenoxylate Salt** has been recovered. The aforesaid recovery falls in commercial quantity. Section 37 of the NDPS Act, 1985 bars the grant of bail to the accused in case of commercial quantity.

Keeping in view the above facts and in view of the fact that the petitioner absented himself from the court proceedings, I do not find it a fit case where the petitioner is entitled to the benefit of anticipatory bail.

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

03.08.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No