

CRM-M-49885-2018

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

CRM-M-49885-2018

Date of Decision:22.11.2018

Baljit Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ritin Rathaur, Advocate for
Mr. B.S.Bhalla, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.234 dated 27.06.2014, registered at Police Station Civil Lines, District Amritsar City, under Section 21 of the NDPS Act, 1985.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

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

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From the record, I find that in the present case, interim bail was granted to the petitioners as report of FSL was not received in the year 2014. The report of FSL was received in the year 2015 and challan has been presented in the year 2018. As per the report of FSL, the intoxicant powder was found containing the salt of 'Diphenoxylate Hydrochloride'. In the present case, recovery of 350 grams of intoxicant powder containing the salt of 'Diphenoxylate Hydrochloride' has been effected, which falls in commercial quantity. Therefore, the present petitioners are not entitled to the benefit of anticipatory bail especially when interim bail has been granted by the trial Court till the receipt of report of FSL. Furthermore, the petitioners are also stated to have been declared proclaimed offenders on 13.11.2018.

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

22.11.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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