

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-6524 of 2019

.....

Date of decision:07.03.2019

Tasbir Singh alias Tasveer Singh alias Bhalwan

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gursimran Singh Bhatia, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this third petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.13 dated 10.06.2017 registered for the offences under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') and Section 25 of the Arms Act, 1959 at Police Station State Special Operation Cell, District Amritsar.

Notice of motion to Advocate General, Punjab.

Mr. Dhruv Dayal, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of respondent-State and contested this petition.

[2]

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

The FIR was registered against the present petitioner and co-accused on the basis of a secret information that they are coming on the bridge near Village Naushehra Dhalla to supply heroin in huge quantity to some party. As per the prosecution version, the police party found two persons standing on the motorcycle and one Hindu man was sitting on the front seat of motorcycle and was carrying black bag and one Sikh man was sitting on the pillion seat and they on seeing the police party immediately became active and tried to escape by starting the motorcycle, but they were apprehended. As per prosecution version 6 Kgs. of Heroin was recovered in this case, which falls in commercial quantity.

As the recovery falls in commercial quantity, therefore, bar of Section 37 of the NDPS Act will apply in this case and the petitioner is not entitled to the benefit of bail.

Therefore, in view of the above discussion, I do not find any merit in this petition and the same is dismissed.

March 07, 2019.

(Inderjit Singh)
Judge

hsp

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