

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-8123 of 2019

Date of decision:01.03.2019

Gurcharan Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.105 dated 21.05.2018
registered for the offences under Sections 15 and 18 of the Narcotic Drugs
and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act')
at Police Station Samrala, District Ludhiana.

Notice of motion was issued in this case.

Ms. Monika Jalota, learned Deputy Advocate General, Punjab
has appeared on behalf of the respondent-State and contested this petition.

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

From the record, I find that as per the prosecution version, the

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present petitioner along with his father-Ajmer Singh were travelling in the car and the petitioner ran away on seeing the Police party whereas Ajmer Singh was apprehended. 2.600 Kgs. Opium and 3 black colour bags containing 30 Kgs. poppy husk each were recovered. The father of the petitioner disclosed his name to the Police party.

Learned counsel for the petitioner argued that Ajmer Singh has died in the Jail and the petitioner has been falsely implicated.

I have gone through the Police record. The inquiries have been conducted regarding the innocence of the present petitioner by the Senior Officers, but in the inquiries he was found involved in the commission of the offence.

As recovery in the present case 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 01, 2019.

(Inderjit Singh)
Judge

hsp

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