

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-47799 of 2018

.....

Date of decision:30.04.2019

Shiva Thakur

...Petitioner

v.

State (Union Territory, Chandigarh)

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Gautam Dutt, APP, U.T., Chandigarh.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.312 dated 8.9.2018 registered for the offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station Sector 34, Chandigarh.

Notice of motion was issued in this case.

Mr. Gautam Dutt, learned APP has appeared on behalf of the respondent-U.T. Chandigarh 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 in the present case recovery from

the present petitioner is commercial in nature.

Learned counsel for the petitioner argued that there is CCTV footing showing that the petitioner has been taken into custody from his house one day earlier to the occurrence and false case has been planted.

On the other hand, learned State counsel argued that the report of CFSL has already been received showing that there is no video film in the DVDR.

Keeping in view the facts and circumstances of the present case and in view of the fact that there is recovery of commercial quantity in the present case, Bar of Section 37 of the NDPS Act will apply and I do not find it a fit case where the petitioner is entitled for the benefit of bail.

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

The petitioner is directed to surrender before the learned trial Court as he is on interim bail. It is made clear that if the petitioner does not surrender immediately, the learned trial Court will get him arrested and take him into custody.

April 30, 2019.

(Inderjit Singh)
Judge

hsp

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