

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

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**CRM-M-44121-2019(O&M)
Date of decision : 06.12.2019**

BADAL KUMAR

.....Petitioners

versus

**UNION OF INDIA THROUGH NARCOTICS CONTROL BUREAU
AND ANOTHER**

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navmohit Singh, Advocate
for the petitioner.

None for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Prayer is for grant of bail pending trial in a criminal complaint No.81/2017 dated 15.12.2017, registered under Sections 8/20/23/25/27A/29 and 60 of the NDPS Act, 1985, at Police Station Narcotics Control Bureau, Zonal Unit, Chandigarh.

As per the case of the prosecution, 65.23 Kg of 'Charas' was recovered.

Learned counsel for the petitioner contends that the petitioner was merely present in the house, although, he is not owner of the same. He, hence, submits that the narcotic which has been recovered cannot be said to be recovered from the conscious possession of the petitioner.

The search and seizure was carried out on the basis of secret information in which it was reported that the petitioner along with his co-accused have brought huge consignment of 'Charas' from Nepal. The recovery falls in commercial category.

In view of bar under Section 37 of the NDPS Act, this court is not inclined to grant concession of bail to the petitioner.

Dismissed.

December 06, 2019
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(ANIL KSHETARPAL)
JUDGE

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