

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

CRM-M-18-2022

Date of decision:11.07.2022

BAAZ SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Deepali Gupta, Advocate for
Mr. V.B. Godara, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.1134 of 14.12.2021, registered at Police Station Sadar Hisar, District Hisar, wherein offences constituted, under Sections 21(B)/27-A of NDPS Act, are embodied.

2. The learned State counsel, on instructions given to him, by ASI Rohtash submits, that though the weight of the relevant seizure makes it fall within the ambit of non-commercial quantity thereof, but he also further submits that, after a thorough investigation(s) being made into the petition FIR, the investigating officer concerned, has concluded that, an offence under Section 27-A of NDPS Act, rather also has been found to be committed by the present bail petitioner.

3. Therefore, yet when clause (b) of sub-Section 1 of Section 37 of the NDPS Act, does irrespective of the weight of the seizure, and, even if its weight makes it fall within the ambit of non-commercial quantity thereof, rather casts a specific/explicit mandate rather echoing that qua an offence punishable under

Section 27-A of the NDPS Act, the rigors of Section 37 of NDPS Act would yet become applicable. In sequel bearing in mind the hereinabove explicit mandate, thereupon irrespective of the weight of the seizure, the craved for indulgence of pre-arrest bail, cannot be accorded to the present bail petitioner.

4. In consequence, there is no merit in the petition, and, the same is dismissed.

11.07.2022

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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable: Yes/No