

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

**CRM-M No. 8617 of 2022
Date of Decision: 27.04.2022**

Amarjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Kanwar Inder Singh, Advocate, for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 20 of 02.02.2021, which was registered against him, at Police Station Sadar Dhuri, District Sangrur, constituting therein an offence under Section 22 of the NDPS Act, 1985.

2. This Court, through an order made on 02.03.2022, had granted ad interim bail to the bail applicant / petitioner.

3. The incriminatory role, as, attributed to the bail applicant – petitioner in the FIR (supra), is of his being a supplier of contraband, to the principal accused, from whose conscious and exclusive possession, and, at the crime site, the apposite recovery became effectuated. .

4. Be that as it may, since the weight of the seizure, which had occurred at the crime site, and, from the alleged conscious and exclusive possession of the principal offender, is of 150 intoxicant tablets, i.e., 49 tablets of Radol-100, and, 101 loose intoxicant tablets.

5. Moreover, since the learned State Counsel, on instructions, meted to him, by ASI Surjit Singh, submits that the gross weight of the seizure, as,

made at the crime site, makes it fall within the ambit of non-commercial quantity thereof. Therefore, the rigors of Section 37 of NDPS Act, are not hence applicable thereons, thereupon, this Court is constrained to accept the prayer of the bail applicant.

6. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicant is a habitual offender, and, that thereupon, this Court may not grant any indulgence of bail to the petitioner.

7. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as his making an undertaking before the Investigating Officer concerned, that he shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of anticipatory bail, as granted to him shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to forthwith arrest him, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon him.

8. Cumulatively, this Court, subject to condition (*supra*), does not deem it fit to order for the custodial interrogation of the bail applicant. Contrarily, this Court is constrained to make absolute the order made by this Court, on 02.03.2022.

9. The other terms and conditions made in the order of 02.03.2022, as, made, by this Court, shall also continue to be abided by the petitioner.

10. Disposed of.

April 27, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>