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

**CRM-35375-2022 in/and
CRM-M-12669-2022
Date of decision : 24.11.2022**

RINKU

....Applicant/Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Amit Choudhary, Advocate
for the applicant/petitioner.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

PANKAJ JAIN, J. (ORAL)

CRM-35375-2022

This is an application for placing on record documents
(Annexures P-3 to P-6) and vernacular of site plan.

For the reasons recorded in the application, the same is
allowed. Documents (Annexures P-3 to P-6) and vernacular of site plan are
taken on record subject to just exceptions.

CRM-M-12669-2022

This petition has been filed under Section 439 Cr.P.C. for grant
of regular bail to the petitioner in case F.I.R. No.290 dated 10.08.2021
registered for the offences punishable under Sections 20, 61 and 85 of
Narcotic Drugs and Psychotropic Substance Act (for short, 'the NDPS Act')
at Police Station Bawani Khara, District Bhiwani.

Ld. Counsel for the petitioner submits that at the time of search of the person of the petitioner having been conducted, notice was issued under Section 50 as per the mandate of the NDPS Act however, it was not mentioned in the said notice that the bag is also to be searched and in the FIR it has been mentioned that the petitioner was carrying bag yet in the notice given under Section 50 of the NDPS Act, no such fact was mentioned. Counsel thus pleads violation of Section 50 of the NDPS Act.

I have heard counsel for the parties and have perused the records of the case.

Admittedly, the contraband was recovered from the bag and as per settled law Section 50 of the NDPS Act is not attracted to the search apart from in the case of personal search. Section 50 of the NDPS Act was not required to be complied when the bag of the petitioner was searched.

Consequently, there is no merit in the argument raised by counsel for the petitioner and keeping in view the quantity recovered, the case of the petitioner will be hit by rigors of Section 37 of the NDPS Act.

Consequently, the instant petition stands dismissed.

November 24, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No