

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

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**CRM-M-13277-2022
Date of decision: 23.05.2022**

AMIT RANA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, the petitioner craves for his being admitted to anticipatory bail, in respect of the FIR bearing No.37 of 24.02.2022, registered at Police Station City Hoshiarpur, District Hoshiarpur, wherein, offences constituted under Sections 21, 22 of the NDPS Act, Section 52-A of Prison Act, 1894 and Section 120-B IPC, become embodied.

2. The learned State Counsel submits, that the FSL concerned has made an affirmative opinion, upon the contraband as became sent to it for analyses being made thereons. He further submits that the weight of heroin whose recovery became effected from the alleged conscious, and, exclusive possession of ASI Kulwinder Singh is about 50 grams, and, that the gross weight of seizure of 436 alprazolam tablets, is about

52 grams.

3. Consequently, he submits that the weight of the above seizures makes them fall within the ambit of non commercial quantity thereof. Therefore, the rigors of Section 37 of the NDPS Act, are not applicable thereons, hence, the indulgence of anticipatory bail is to be accorded, to the bail applicant-petitioner.

5. The incriminatory role as assigned to the present bail petitioner is of his supplying the above narcotic drug, and, psychotropic substance, to the principal accused ASI Kulwinder Singh, who thereafter, supplied them to gangster Bahadur Khan, an inmate in the prison concerned.

5. The above incriminatory role makes the present bail petitioner to become amenable to be become tried alongwith the main accused rather as a conspirator in the petition FIR.

6. Therefore, in the wake of above, this Court does not deem it fit to order for the custodial interrogation of the present bail petitioner. Moreover, when, at this stage, no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to anticipatory bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence. In consequence, this Court becomes constrained to admit the present petitioner to anticipatory bail.

7. In nutshell, the instant petition is allowed, and, the order made by this Court on 30.03.2022, is made absolute, subject to his rendering co-operation to the investigating officer concerned, and, his

not influencing the prosecution witnesses, and, also his not tampering with the prosecution evidence.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

23.05.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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