

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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CRM-M-27800-2022
Date of Decision: 04.07.2022

DHARAM CHAND

.....PETITIONER

Versus

NARCOTICS CONTROL BUREAU, CHANDIGARH ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Rahil Mahajan, Advocate
for the petitioner.

Ms. Puneeta Sethi, Sr. Panel Counsel for NCB.

SURESHWAR THAKUR, J. (ORAL)

1. Through instant petition constituted under Section 438 Cr.P.C., the petitioner claims relief qua his becoming admitted to anticipatory bail, in respect of NCB Crime No. 39 of 2021 dated 06.06.2021, registered at NCB, Chandigarh, wherein, offences constituted under Section 8, 20(b)(ii)(C), 25, 27-A, 28, 29, 31 and 60 of the NDPS Act, 1985, are embodied.

2. At the outset, at the crime site, from the alleged conscious, and, exclusive possession of co-accused namely Deepak Sharma, Amar Singh Chauhan, and, Sarthak Shirsu, 4.180 kg charas became recovered by investigating officer concerned, through appositely drawn seizure memo(s). Therefore, the weight of the above seizure makes it fall within the ambit of commercial quantity, and, obviously the rigors of Section 37 of the NDPS Act, become applicable thereons. Resultantly, the indulgence as craved in the petition cannot be meted to the present petitioner. However, the learned

Counsel for the petitioner vehemently argues before this Court, that the present bail petitioner was not arrested at the crime site, and, the only inculpatory allegation which has been made against him, rather is by the co-accused, who were arrested at the crime site, and, who made a declaration against him, that the present bail petitioner was a supplier of the contraband, which was seized at the crime site. Therefore, he argues that the present bail petitioner becomes entitled to being admitted to anticipatory bail. However, the above made argument cannot be accepted by this court, and, rather becomes rejected in view of the verdict made by this Court, on 21.12.2021, upon, CRM-M-46238-2021.

3. Dismissed.

(SURESHWAR THAKUR)
JUDGE

04.07.2022
kavneet singh

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