

CRM-M No. 39319 of 2022 and CRM-M No. 39646 of 2022 (O&M)

ARCHANA ARORA
10/09/2022
I attest to the accuracy and
integrity of this document

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

**CRM-M No. 39319 of 2022 (O&M)
Date of decision : September 5, 2022**

Lovepreet Singh @ Jimmy

..... Petitioner

Versus

State of Punjab

..... Respondents

CRM-M No. 39646 of 2022

Ravi Singh @ Bullet

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. G. S. Sandhu, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

These two petitions have been filed by the petitioners apprehending their arrest in FIR No.166 dated 09.07.2022 for offences punishable under Sections 15/21/22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sri Muktsar Sahib, District Sri Muktsar Sahib, under Section 438 Cr.P.C seeking pre-arrest bail.

As per the allegations made in the FIR it has been alleged that pursuant thereto heavy recovery of contraband has been made which includes 55 grams of intoxicant powder, 1290 tablets of Alpracan, 380 tablets of Clobedol-100, 480 lose tablets and 03 kilograms of poppy husk.

Learned counsel for the petitioners contends that since it is a case of no recovery made from the petitioners and there is no other case pending against the petitioners, petitioners will be entitled to pre-arrest bail as rigours of Section 37 of the NDPS, 1985 Act cannot be read against the petitioners.

I have heard learned counsel for the petitioners and have gone through the records of the case.

It cannot be disputed that it is a case of recovery which falls within the ambit of commercial quantity. Consequently, in view of the dictum of law laid down by the Hon'ble Supreme Court in the judgment passed in **Narcotic Control Bureau Vs. Mohit Aggarwal 2022 LiveLaw (SC) 613**, no case is made out for grant of grant of pre-arrest bail.

Both the petitions are dismissed.

(PANKAJ JAIN)
JUDGE

September 5, 2022
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Whether speaking/reasoned	Yes
Whether Reportable :	No