

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

103

CRM-M-51349-2022

Date of Decision: November 18, 2022

Gurcharan Singh @ Nagar Singh

.....Petitioner(s)

Vs.

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab

ANOOP CHITKARA J. (ORAL)

The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.175 dated 08.10.2022 registered at Police Station Vairo Ke, District Fazilka, under Sections 15 of NDPS Act.

Petitioner' counsel submits that family members and the occupants of house/fodder room where 63 kg. of poppy husk was alleged recovered, was not made witnesses. He further submits that recovery is from fodder room over which the petitioner has no possession.

On the contrary, learned State counsel submits that petitioner is a habitual offender and as many as 13 more cases have been registered against him, out of which one case is under NDPS Act. The recovery is allegedly from the petitioner's shed.

Considering the stringent condition imposed by the Executive vide Section 37 of NDPS Act and the fact that the present quantity falls under commercial category given the Entry No.110 of the Schedule of NDPS Act, the petitioner fails to makes out a case for grant of bail

Given above, the present petition stands dismissed.

**(ANOOP CHITKARA)
JUDGE**

November 18, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

No