

(2012) 12 P&H CK 0125

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. M-38701 of 2012 (O and M)

Surinder Singh alias Raju

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Dec. 11, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) - Section 21, 22

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Advocate: Naveen Malik, for the Appellant;

Final Decision: Dismissed

Judgement

Ram Chand Gupta, J.

Crl. M. No. 73517 of 2012

Application is allowed subject to all just exceptions.

Crl. M. No. M-38701 of 2012

1. The present petition filed u/s 439 Cr. P.C. is for grant of bail to the petitioner in case FIR No. 57, dated 26.5.2012, under Sections 22 and 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Kotkapura, District Faridkot. I have heard learned counsel for the petitioner and have gone through the whole record carefully, including the impugned order passed by learned Additional Sessions Judge, Faridkot, vide which application filed on behalf of the petitioner for bail was dismissed.

2. This is second application for bail filed on behalf of the petitioner-accused. His earlier bail application was got dismissed as withdrawn vide order dated 10.10.2012 passed in Crl. M. No. M-25828 of 2012.

3. Brief allegations against petitioner-accused are that he was apprehended by the police near bridge Suaa while he was carrying a plastic bag in his right hand and from search of such plastic bag, 1100 tablets on which microlit narcotic was mentioned, were recovered. On analysis it was found that the same was containing Diphenoxylate hydrochloride and as per entry No. 58 of Notification No. S.O. 826(E) dated 14.11.1985, the same comes within the definition of manufactured drug. Further as per Notification No. S.O. 1055(E) dated 19.10.2001 and subsequent Notification No. S.O. 2941 (E) dated 18.11.2009, the recovered manufactured drug comes within the definition of commercial quantity.

4. After arguing for some time, learned counsel for the petitioner requests for withdrawal of this petition. Dismissed as withdrawn.