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**(2011) 03 P&H CK 0760**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal M. No. M-7574 of 2011 (O and M)

Sonu

APPELLANT

Vs

State of Punjab

RESPONDENT

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**Date of Decision:** March 15, 2011

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) - Section 15, 37

**Hon'ble Judges:** Ram Chand Gupta, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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### **Judgement**

Ram Chand Gupta, J.

Crl. M. No. 13833 of 2011

1. Application is allowed subject to all just exceptions.

Crl. M. No. M-7574 of 2011

2. The present petition filed u/s 439 Code of Criminal Procedure is for grant of regular bail to the Petitioner in case FIR No. 44, dated 28.5.2010 u/s 15 of the Narcotic Drugs and Psychotropic Substance Act. 1985. (hereinafter to be referred as "the Act") registered at Police Station Bilga. District Jalandhar.

3. I have heard learned Counsel for the Petitioner and have gone through the whole record carefully.

4. This is second application for regular bail filed by Petitioner-accused. Earlier application for bail filed by the Petitioner was dismissed on merit by this Court vide order dated 25.10.2010. passed in Crl. M. No. M-31152 of 2010. Brief allegations against Petitioner-accused are that he was apprehended by police party while on patrol duty, while he was coming on scooter from Village Bhullar side alongwith two

bags tied with a rope on the pillion seat. On search, it was found that the bags were containing 30 kg of poppy husk each and hence 60 kg of poppy husk was recovered from his possession, which is commercial quantity.

5. Hence, in view of rigor of Section 37 of the Act, Petitioner is not entitled for concession of bail.

6. Hence, in view of these facts and without expressing any opinion on the merits of the case, the present petition filed by Petitioner-Sonu for grant of regular bail is dismissed being devoid of any merit.