

**Surinder Kumar Alias Surinder Vs. State of Punjab**

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**Court :** Punjab and Haryana

**Decided On :** Jan-16-2014

**Appellant :** Surinder Kumar Alias Surinder

**Respondent :** State of Punjab

**Judgement :**

In the High Court of Punjab and Haryana at Chandigarh .....Criminal Misc.

No.M-449 of 2014 ....Date of decision:16.1.2014 Surinder Kumar alias Surinder  
...Petitioner v.

State of Punjab ...Respondent ...Coram: Hon'ble Mr.Justice Inderjit Singh  
....Present: Mr.Sandeep Arora, Advocate for the petitioner....Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.for grant of regular bail in case FIR No.110 dated 29.4.2013 registered at Police Station Navi Baradari, District Jalandhar for the offence under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as `the NDPS Act').Learned counsel for the petitioner argued that there is violation of Section 50 of the NDPS Act, which is mandatory in nature.

He also contended that the weight of the envelope has not been excluded.

I have gone through the record and have heard learned counsel for the petitioner.

From the record, I find that the recovery from the petitioner is 1 Kg.

20 Grams of `Charas', which is commercial quantity and Section 37 Parmar Harpal Singh 2014.01.17 14:03 I attest to the accuracy and integrity of this document Chandigarh Cr.

Misc.

No.M-449 of 2014 [2].of the NDPS Act bars to grant bail in case of commercial quantity.

As regards compliance of Section 50 of the NDPS Act at this stage, in the FIR itself it has been written that the accused was told of his legal right of search from Gazetted Officer or Magistrate, but the accused- petitioner agreed to get his search from the Investigating Officer.

As regards the weight of envelope, there is nothing to suggest that the weight of the envelope was 20 Grams. Therefore, from the above discussion, I do not find any merit in this petition and the same is dismissed.

January 16, 2014.

(Inderjit Singh) Judge \*hsp\* Parmar Harpal Singh 2014.01.17 14:03 I attest to the accuracy and integrity of this document Chandigarh

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