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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10747-2015

Date of Decision : October 5th, 2015

Bahal Singh alias Bahali

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. A.S.Sandhu, Advocate,
for the petitioner.

Mr. A.S.Kler, DAG, Punjab,
for the respondent-State.

SHEKHER DHAWAN, J.

Present petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case bearing FIR No. 55 dated 23.05.2014 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Mansa, District Mansa.

Petitioner was allegedly found to be in possession of 800 tables of ALPRAZOLAM 0.50 TENSWIL.

Learned counsel for the petitioner contended that as per FSL report dated 15.12.2014 [Annexure P/2], salt Alprazolam was found as 0.42 mg/tablet and the weight comes to 101.06 gms [127mg./1000x800 = 101.06 gms.] which is just marginally above the commercial quantity. He

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has drawn the attention of this Court to entry at Sr.No. 178 of the table where the total commercial quantity of Alprazolam is 100 grams.

Learned counsel for the petitioner also contended that recovery has not been effected in a legal manner, but at any rate, the petitioner was allegedly found to be in possession of 101.06 gms. of salt Alprazolam which is just marginally above the commercial quantity. Otherwise, the petitioner is in custody since 23.05.2014. The decision of the case still to take some more time.

Learned counsel for the State has not disputed the factual position regarding recovery of 101.06 mgs. of salt Alprazolam. However, learned State counsel submitted that trial is about to be concluded and only two witnesses are to be examined. So, there is no ground for releasing the petitioner on bail at this stage and the present bail application be dismissed.

Without commenting on the merits of the case, lest it will prejudice the case of either party, this Court is of the considered view that the petitioner deserves the concession of regular bail during the pendency of the trial.

Resultantly, this petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Mansa.

(SHEKHER DHAWAN)
JUDGE

October 5th, 2015
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