

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Criminal Misc. No.M-1490 of 2015
Date of Decision: 21st January, 2015

Karamjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: Hon'ble Mrs. Justice Daya Chaudhary

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

Mr. T.N. Sarup, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.84 dated 10.06.2014, registered under Sections 21, 61, 85 of NDPS Act at Police Station Sadar Kotkapura, District Faridkot during the pendency of the trial.

Learned counsel for the petitioner submits that the alleged recovery is 50 grams of diphenoxylate hydrochloride powder recovered from the petitioner which is non-commercial quantity. By giving a wrong finding in the order passed by the trial Court, the application for bail has been declined where as even the weight of the container has not been excluded. There is no case of NDPS Act pending against the petitioner and he is in custody since 10.06.2014.

During pendency of this petition, copy of the challan has also been presented and the charges have been framed and the trial may take long time to conclude. To support his contention, learned counsel also relied upon the judgment of Rajasthan High Court titled as '*Chanda Soni(Smt.) @ Pushpa vs. State of Rajasthan, 2010(3) RCR(Criminal) 728*'.

Learned State counsel has not disputed the factum of recovery as well as the stage of the trial but opposes bail.

In view of the submissions made by learned counsel for the petitioner and also the fact that in case, the weight of the container is excluded then it comes to less than 50 grams which is non-commercial and there is no other case of NDPS pending against the petitioner; the petitioner is in custody since 10.06.2014; charges have been framed and the trial may take some time to conclude, the petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

21.01.2015
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(DAYA CHAUDHARY)
JUDGE