

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

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CRM-M-17318-2015.

Date of Decision: 28.05.2015.

Jasbir alias Shira

....Petitioner.

Vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Naresh Prabhakar, Advocate for the petitioner.

Mr. A.S. Klar, Assistant Advocate General, Punjab.

Sneh Prashar, J.(Oral)

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure is for grant of regular bail to the petitioner in case First Information Report No.58 dated 20.05.2014 under Section 22/61/85 of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Sadar, Kapurthala.

The accusation against the petitioner was that on 20.05.2014 at around 4:00 p.m. he was found in possession of 150 grams of intoxicant powder which was in a polethene bag and was recovered from the right pocket of his 'Pajama'.

Heard the submissions made by Mr. Naresh Prabhakar, learned counsel representing the petitioner and Mr. A.S. Klar, Assistant Advocate

General, representing the State of Punjab.

It was submitted on behalf of the petitioner that he is innocent and had been falsely implicated. The contraband allegedly recovered was marginally higher than the commercial quantity. It was also yet to be established that it was a narcotic drug. Submitting that the trial of the case is likely to take some time, learned counsel sought release of the petitioner on bail.

The application was opposed by learned Assistant Advocate General, representing the State of Punjab. He submitted that the recovered quantity of contraband falls under commercial category.

Trial is at the initial stage and material witnesses are yet to be examined. Having heard learned counsel for the parties and after going through the record of the case, this court is of the considered opinion that in the given factual situation of the case as noticed above, no ground is made out to release the petitioner on bail pending trial and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

May 28, 2015.

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