

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No.21633 of 2015

Date of Decision: 10.09.2015

Chhinder Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Sukhpreet Kaur, Advocate for the petitioner.

Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent along with HC Gurmeet Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail in case FIR No.64 dated 21.05.2014, under Sections 22, 61 and 85 of the N.D.P.S. Act, registered with Police Station Sadar Jagraon, District Ludhiana Rural.

As per the allegations, the petitioner has been found to be in possession of 60 grams of Intoxicating Powder, which as per F.S.L. report, has been found to be a salt containing 3.10 % of Diphenoxylate Hydrochloride.

It is contended that the alleged recovery is marginally higher than the commercial quantity and even in the other case under NDPS, there was an allegation of recovery of a small quantity i.e. 10 Kg. of Poppy Husk.

The petitioner is stated to be in custody since 21.05.2014.

Learned State Counsel, on instructions from HC Gurmeet Singh, submits that out of 12 prosecution witnesses, 8 witnesses have been examined.

Without commenting on the merits of the case, keeping in view the quantity being barely higher than the commercial quantity, the custody period and the facts of the case as noticed above, this Court finds that petitioner/accused-Chhinder Singh deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Ludhiana.

Disposed of.

September 10, 2015

Gagan

(JASWANT SINGH)
JUDGE