

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

**CRM-M No.38892 of 2015**

**Date of Decision:-10.12.2015**

**Rahul Mehra.**

.....Petitioner.

Versus

**State of Punjab.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Deepak Aggarwal, Advocate for the  
Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General,  
Punjab along with ASI Jaswant Singh.

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**JASWANT SINGH, J (ORAL)**

Prayer is under Section 439 Cr.PC read with Section 167  
(2) Cr.PC for grant of regular bail to the petitioner Rahul Mehra in  
case FIR No.115 dated 04.05.2015 for offence punishable under  
Section 22 of the NDPS Act registered with Police Station Kotwali,  
District Bathinda.

There is a recovery of 13 vials of Rexcof Cough Syrup of  
100ml each from his conscious possession.

Learned Counsel for the petitioner submits that if the  
millimeters are converted to Kilograms it comes to 1.2 Kgs and the  
recovery of the contraband above 1 Kg is commercial, therefore,  
the alleged recovery in the present case is marginally commercial

and in the light their being no other case under the NDPS Act prays for grant of regular bail.

Petitioner is stated to be in custody since 4.5.2015 and the challan has been presented. Concededly the quantity of recovery is marginally commercial.

Learned State Counsel on instructions from ASI Jaswant Singh does not controvert the fact that though recovery is commercial in nature but only marginally higher and also does not dispute the custody period, that challan presented and that there is no other case under the NDPS Act registered against the petitioner.

Without commenting on the merits of the case, in the light of the recovery being marginally higher to the specified quantity being declared as commercial in nature and the fact that there is no other case under the NDPS Act against the petitioner, this Court finds that petitioner-accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Bathinda.

Petition stands disposed of.

**( JASWANT SINGH )  
JUDGE**

**December 10, 2015**  
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