

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

**Crl. Misc. No. M-40100 of 2014 (O&M)
Date of decision : 14.01.2015**

Kishori LalPetitioner
versus
State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. F.S. Virk, Advocate for the petitioner.
Ms. Anmol Grewal, AAG, Punjab.

RITU BAHRI , J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, who has been booked for having committed the offence punishable under Sections 22/61/85 of NDPS Act in a case arising out of FIR No.155 dated 01.09.2013, registered at Police Station Kotwali, Nabha, District Patiala.

On 03.12.2014, this Court was informed by HC Mukhtiar Singh that there were 07 prosecution witnesses and out of which 05 have been examined and on this information the bail application of the petitioner was dismissed, vide order dated 05.09.2014 (Annexure P-1).

Now, counsel for the State on instructions from ASI Gurmeet Singh has informed this Court that out of 08 prosecution witnesses, one have been examined and examination in chief of one has been completed and departmental proceedings against Head Constable Mukhtiar Singh have been initiated for giving wrong information to the

Court.

The recovery in the present case was 700 intoxicant tables and from the report of the Forensic Science Laboratory, Diphenoxylate hydrochloride to the extent of 2.2 mg per tablet was found in the contents of sample parcel and average weight of each tablet was 81 mg. and the total content came to 56.700 gms. The commercial quantity as per the NDPS Act is 50 gms. and recovery is marginally higher than the commercial quantity.

The petitioner has been in custody since 01.11.2013 and he is in custody from one year. The trial is not likely to conclude.

Accordingly, keeping in view the above facts, the petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Patiala.

14.01.2015

Vinay

**(RITU BAHRI)
JUDGE**