

208 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-40538 of 2014
Date of Decision: 19.01.2015

Lakhbir Singh

..... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. M.S. Uppal, Advocate
 for the petitioner.

 Mr. K.D. Sachdeva, Addl. A.G., Punjab.

K.C. PURI, J. (ORAL)

 This is a petition under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No. 33, dated 19.04.2014, under Sections 22, 61 and 85 of N.D.P.S., Act, Police Station Bakshiwala, District Patiala.

 As per allegation of the prosecution, 900 intoxicant tablets, which was later on found to be containing contents of Diphenoxylate hydrochloride, were found from the custody of the petitioner.

 Learned counsel for the petitioner submits that commercial quantity starts from more than 50 grams, whereas the total weight on average basis comes to 57.6 grams. The same is marginal more than the commercial quantity. He has further submitted that there can be error in calculation of weight as on average basis weight has been considered. He has further contended that this Court in authority **Sera Singh Versus State of Punjab 2014 (5) RCR (Criminal) 36**, has granted the concession of regular bail where the quantity was marginal higher than the commercial quantity.

The petitioner is stated to be in custody since 19.04.2014.

The trial is not likely to be concluded at an early date.

So, without commenting on the merits of the case, the present petition stands accepted and the petitioner-Lakhbir Singh is ordered to be released on bail on his furnishing bail bonds to the satisfaction of trial Court/Duty Magistrate.

Disposed of.

January 19, 2015
dk kamra

(K.C. PURI)
JUDGE