

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-43763-2014

Date of decision : 21.02.2015

Vishavjit Singh alias Babba

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms.Gurvir Kaur Gill, Advocate
for the petitioner.

Mr.Gazi Mohammad, DAG, Punjab.

REKHA MITTAL, J.(ORAL)

The petitioner prays for grant of bail in FIR No.74 dated 30.05.2014 registered in Police Station Sadar Kotkapura, District Faridkot for offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the Act').

Counsel for the petitioner would submit that as per allegations, 255 grams of intoxicant powder was recovered from the petitioner but till date, report from the Laboratory in regard to analysis of the sample has not been received. It is further submitted that the petitioner is in custody since 30.05.2014 and he may be released on bail pending receipt of the report.

Counsel for the State, on instructions from HC Sikandar Singh, in reply has submitted that report has been received and as per analysis, contents of sample have been found to be heroin. It is further submitted that challan has been presented in the Court and the case is pending trial.

Counsel for the petitioner would submit that commercial quantity in case of heroin is more than 250 grams and the alleged recovery of 255 grams includes weight of wrapper (polythene) is marginally more than commercial quantity.

Counsel for the State has conceded to assertion that 255 grams of recovery includes the weight of polythene paper.

The petitioner is in custody for the past about 9 months. Concededly, there is no other criminal case much less under the Act registered against him. Conclusion of trial is likely to take its own time. The alleged recovery is marginally more than commercial quantity.

Without meaning to express any opinion on merits of the controversy, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds to satisfaction of the trial Court, subject to the following conditions:-

- (i) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without the previous permission of the Court.

(REKHA MITTAL)
JUDGE

February 21, 2015.

DK