

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

**CRM-M-5160-2015  
Date of Decision : 26.02.2015**

DEEPAK KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present : Mr. Deepak Arora, Advocate  
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab.

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**AJAY TEWARI, J. (Oral)**

The petitioner seeks grant of regular bail in case FIR No.248 dated 24.12.2014 registered under Sections 22, 61, 85 of the NDPS Act at Police Station Maqsudan, District Jalandhar.

Learned counsel for the petitioner has argued that as per the FIR the petitioner was arrested on 24.12.2014 and 55 gms. of some powder was recovered from him which seems to be intoxicating powder. The precise grievance of the learned counsel for the petitioner is that apart from the merits of the case, there is no report from the FSL certifying that the alleged recovery is either a narcotic drug or a psychotropic substance. As per the learned counsel, in cases of recovery of easily identifiable drugs like opium, ganja or charas or manufactured drugs which are labelled, a bare look may enable a reasonable identification but where the identity is in doubt it is most unfair to keep the person in custody indefinitely without even there being any evidence as to what the recovered material is.

In my opinion, in the absence of the FSL report it cannot be fair to keep the petitioner in custody indefinitely. Resultantly, the petition is partly allowed and the Chief Judicial Magistrate/Duty Magistrate, Jalandhar is directed to release the petitioner on interim bail to its satisfaction till the receipt of the FSL report and thereafter to decide the application for bail on merits.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

**February 26, 2015***ps-l/pooja sharma-l***(AJAY TEWARI)  
JUDGE**