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

CRM-M No.7311 of 2015 (O&M)

Date of Decision: 01.04.2015

BALJINDER SINGH @ BINDIPetitioner

Vs

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Pritpal Singh Miglani, Advocate
for the petitioner.

Mr. Yogesh Kumar Gupta, A.A.G., Punjab.

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?*

RAJ MOHAN SINGH, J.(Oral)

CRM No.10669 of 2015

For the reasons mentioned in the application, the same is allowed and the document (Annexure P-4) is taken on record.

CRM stands disposed of.

CRM-M No.7311 of 2015

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.82 dated 29.05.2014 registered under Section 22/61/85 Narcotic Drugs and Psychotropic Substances Act at P.S. Khamano, Distt. Fatehgarh Sahib.

As per allegation made in the FIR petitioner was apprehended along with 800 loose Narcotic Tablets which on weight

found to be 50.4 grams, marginally above the non-commercial category. Diphynoxylate salt was detected qua which quantity upto 50 grams falls under the category of non-commercial.

Learned counsel for the petitioner states that 50.4 is marginally in excess of non-commercial quantity and, therefore, the same has been treated to be commercial quantity in view of Section 2 of the NDPS Act.

Learned counsel cites **Gurpeet Singh @ Gopi v. State of Punjab, 2014(2) Law Herald 1052.**

Learned State counsel on instructions from ASI Major Singh states that petitioner is not involved in any other case.

Petitioner is in custody since 29.05.2014 and the trial may take sometime in its culmination.

Looking to the facts and circumstances of the case, petitioner is ordered to be released on regular bail.

Accordingly, this petition is allowed.

Let the petitioner be enlarged on bail, subject to furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Fatehgarh Sahib..

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 01, 2015.

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**(RAJ MOHAN SINGH)
JUDGE**