

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

CRM No.M- 84 of 2015(O&M)

Date of Decision: February 16, 2015.

Gulshan Kumar @ Babbu

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. P.S.Grewal, DAG, 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?

LISA GILL, J.

Petitioner prays for bail pending trial in FIR No.257 dated 07.06.2014, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at police station Nakodar, District Jalandhar.

It is submitted that the petitioner was arrested on 07.06.2014 in this case. He is alleged to be in illegal possession of 200 grams of heroin which under the NDPS Act cannot be termed to be a commercial quantity. There is no other case against the petitioner.

Learned counsel for the State while referring to affidavit dated 11.01.2015 confirms that there is no other case pending against the petitioner. He has been in custody since 10.06.2014.

As per the ratio laid down by the Full Bench of Himachal Pradesh High Court in **Ratto v. State of H.P., 2004(1) RCR(Criminal) 501**, the recovery of 200 grams of heroin cannot be termed to be commercial one.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the aforementioned facts and circumstances of the case but without commenting or expressing any opinion on the merits of thereon, it is considered just and expedient to allow this petition.

Consequently, this petition filed by Gulshan Kumar @ Babbu is allowed. Petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the Trial Court.

February 16, 2015.
'om'

(**LISA GILL**)
JUDGE