

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

**CRM-M No. 10111 of 2016 (O&M)
Date of Decision: 20.05.2016**

Gursewak Singh alias Sewak

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by HC Muddam Hussain.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C. filed on behalf of the petitioner-accused-Gursewak Singh alias Sewak is for grant of regular bail in case FIR No. 108, dated 24.12.2015, for offences punishable under Sections 22/61/85 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Kot Dharmu, District Mansa.

As per allegations, recovery of 400 intoxicating tablets of *Alprazolam* 0.5 mg. was made from the conscious possession of the petitioner-accused. The said quantity concededly is non-commercial in nature.

Learned counsel for the petitioner submits that the petitioner is in custody since 24.12.2015 and he is not involved in any other criminal case. He further submits that after completion of investigation, challan has been presented.

Learned State Counsel, assisted by HC Muddam Hussain, does not refute the above said factual contentions and further states that out of six prosecution witnesses, none has examined.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner and recovery of contraband being non-commercial in nature, no useful purpose would be served by keeping the petitioner-accused in custody since the trial is not likely to conclude in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 20, 2016

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**(JASWANT SINGH)
JUDGE**