

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

***CRM No.M-10331 of 2016 (O&M)
Date of decision : 13.05.2016***

Rajan @ Sheri

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Parvez Chugh, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.231 dated 29.11.2015, under Sections 22/61/85 of the NDPS Act, registered at Police Station City Ferozepur, District Ferozepur.

As per prosecution version, the alleged recovery effected from the petitioner is of 265 grams of intoxicant powder.

Learned State counsel would concede that even though challan has been presented but till date report of the Chemical Examiner has not received.

Under such circumstances, issue as to whether an offence under the NDPS Act is made out against the present petitioner, would still be open.

Under such circumstances, petitioner is held entitled to the concession of interim bail.

Petition is allowed. Petitioner be enlarged on interim bail subject to the satisfaction of the trial Court/Duty Magistrate, Ferozepur.

It is, however, clarified that if upon receipt of the report of the Chemical Examiner an offence is made out against the petitioner under the provisions of NDPS Act, he would be taken into custody forthwith.

Disposed of.

13.05.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE