

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

**CRM-M No.10921 of 2016**

**Date of Decision:-25.05.2016**

**Balwinder Singh @ Babbu.**

.....Petitioner.

Versus

**State of Punjab.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Rishu Mahajan, Advocate for the Petitioner.

Ms. Rimplejit Kaur, Assistant Advocate General, Punjab  
assisted by HC Paramjit Singh.

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**JASWANT SINGH, J (ORAL)**

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner-Balwinder Singh @ Babbu in case FIR No.50 dated 22.05.2014 for offences punishable under Sections 22/61/85 NDPS Act registered with Police Station Raja Sansi, District Amritsar Rural.

Petitioner was apprehended and a recovery of 55 grams of intoxicating powder and 30 Capsules of SPM-PPX weighing 632 mg each was effected.

Petitioner was granted interim bail on 3.7.2014 and on receipt of FSL report, he was again taken in custody on 06.02.2016.

It is contended that as per the FSL report the recovery was Capsules containing Dexotroproxyphene measuring 18.960 grams, which is

non commercial in nature, as 500 grams and above is classified as commercial quantity. As regards the intoxicating powder, Diphenoxylate Hydrochloride 3.30% rendering the quantity to be marginally commercial. It is next contended that the petitioner is not involved in any other criminal case and also has not misused the concession of interim bail and surrendered on cancellation of bail. He further submits that only four out of 09 Pws have been examined so far.

Learned State Counsel assisted by HC Paramjit Singh is unable to refute the aforesaid submissions qua the quantity to be non commercial in respect of capsules whereas in case of intoxicating powder recovery is marginally commercial. It is also not in dispute that petitioner is not involved in any other case and has not misused the concession of bail.

Without commenting on the merits of the case, keeping in view the custody period and that the trial is not likely to be concluded in near future, present petition is allowed and the petitioner Balwinder Singh @ Babbu is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Amritsar.

Petition stands disposed of.

**( JASWANT SINGH )**  
**JUDGE**

**May 25, 2016**  
Vinay