

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

**CRM-M No.12233 of 2016 (O&M)
Date of Decision: 04.05.2016**

Daljit Singh @ Danu

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by H.C. Sukhpal Singh.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Daljit Singh @ Danu in case FIR No.154 dated 18.09.2013 for the offences punishable under Sections 21,22/61/85 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered with Police Station Bhogpur, District Jalandhar City.

There is a recovery of 05 grams of *Heroin* and 200 grams of intoxicating powder, which as per the FSL report, also contains *Heroin*.

It is contended that both the recoveries attributed are of 205 grams of *Heroin* and the quantity would be non-commercial in nature, therefore, not attracting the bar under Section 37 of the NDPS Act.

The petitioner is stated to be in custody since 18.09.2013 and only 05 out of 10 prosecution witnesses have since been examined.

Learned State Counsel, assisted by H.C. Sukhpal Singh, is unable to refute the fact that quantity is non-commercial in nature, custody period and stage of the trial.

Without commenting on the merits of the case, keeping in view the custody period, the quantity being non-commercial in nature and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 04, 2016

Gagan

(JASWANT SINGH)
JUDGE