

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

**CRM-M No.13616 of 2016 (O&M)
Date of Decision: 28.05.2016**

Anoop Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by HC Gurnam Singh.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Anoop Singh in case FIR No.117 dated 10.12.2014 for the offences punishable under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered with Police Station Dugri, District Ludhiana.

There is a recovery of *200 grams of Diacetylmorphine* from the possession of the petitioner-accused.

It is submitted that as per FSL Report, the seized quantity is non-commercial in nature and, therefore, the bar under Section 37 of the NDPS Act is not applicable.

The petitioner was in custody w.e.f. 10.12.2014 till 12.01.2015, when he was granted interim bail and he surrendered on 20.02.2016 and is in custody till today. It is further contended that the petitioner is not involved in any other case and evidence of 09 cited prosecution witnesses is yet to commence.

Learned State Counsel, assisted by HC Gurnam Singh, concedes that the seized quantity is non-commercial in nature, stage of the trial and the petitioner is not involved in any other case.

Without commenting on the merits of the case, keeping in view the custody period, the seized quantity being non-commercial in nature, non-involvement of the petitioner in any other case 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 28, 2016

Gagan

(JASWANT SINGH)
JUDGE