

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

CRM No.M-13622 of 2016 (O&M)

Date of decision: 04.08.2016

Gurpreet Singh @ Goppi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vinay Kumar Gupta, Advocate for
Mr. Raghav Gulati, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by ASI Bhashir Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No. 08 dated 09.02.2016, registered under Sections 21 & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Bariwala, District Shri Muktsar Sahib.

Learned counsel for the petitioner states that the petitioner has been falsely implicated in the present case. Allegedly 50 gms of intoxicant powder was recovered from the petitioner. As per the chemical report, the salt is found to be alprazolam. He refers to entry No.178 of NDPS Act to contend that the recovery in

question is non-commercial in nature. The petitioner is not involved in any other FIR and he is in custody since 09.02.2016.

On the other hand, learned State counsel opposes the bail application and states that the quantity effected from the petitioner falls under 'commercial quantity'.

I have heard learned counsel for the parties and perused the record.

Whether the quantity is commercial or not is a debatable issue which shall be determined by the trial Court. The petitioner is not involved in any other FIR. The challan stands presented, however, the charges are yet to be framed, therefore, it can safely be inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

04.08.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No