

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

CRM-M-14770 of 2016 (O&M)

Date of decision : 09.09.2016

Deepak Kumar Gupta @ Deepu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Sheenu Sura, Advocate
Amicus Curiae for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in FIR No.93 dated 27.04.2014, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Sarabha Nagar, Ludhiana.

Inadvertently, in the order dated 05.09.2016, remunerations of the learned amicus curiae was ordered to be paid by the Haryana State Legal Services Authority, Haryana, however, the present matter pertains to Punjab. Therefore, the remunerations of the learned amicus curiae shall be paid by the Punjab State Legal Services Authority, Punjab as per rules.

It is contended that the petitioner has been falsely implicated in

the present case. The petitioner is in custody since 19.03.2016. The recovered quantity i.e. .33% Alprozolam, is a small quantity. The petitioner had never misused the concession of interim bail granted to him.

On the other hand, the learned State counsel submits that as per the report of the chemical examiner, the intoxicant powder allegedly recovered from the petitioner, containing salt Alprozolam and being 260 grams, the same is a commercial quantity.

Heard.

Considering the fact that the quantity in question is commercial in nature and that at this stage there is no evidence that he has not committed any offence, no case is made out for bail.

Dismissed.

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

09.09.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: /Yes / No