

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

**CRM-M No.15307 of 2016 (O&M)
Date of Decision: 10.05.2016**

Ajaib Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Bikramjeet Singh Jatana, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Bhupender Singh.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Ajaib Singh in case FIR No.93 dated 04.10.2015 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 Boha, District Mansa.

There is alleged recovery of 900 tablets of *Microlit*, which as per the FSL report contains *Dyphenoxylate Hydrochloride* and is commercial in nature due to the total weight of recovery being 69.3 grams.

It is submitted that a false case has been foisted upon the petitioner and that apart, he is 71 years old and not involved in any other criminal case. He is stated to be in custody since 04.10.2015 and the evidence of the prosecution is yet to commence. It is further submitted that even the quantity seized though technically commercial but is not substantial.

Learned State Counsel, assisted by ASI Bhupender Singh, does not dispute the custody period and stage of the trial.

Without commenting on the merits of the case, keeping in view the custody period, the advanced age of petitioner coupled with that the petitioner has no criminal antecedents and 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 10, 2016

Gagan

**(JASWANT SINGH)
JUDGE**