

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

***CRM No.M-17458 of 2016 (O&M)
Date of decision : 24.05.2016***

Randhir Singh @ Dheera

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Ms. Satwant Mehta, Advocate for the petitioner.

Mr. K.D. Sachdeva, Additional Advocate General, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.311 dated 22.11.2014, under Sections 22/61/85 of the NDPS Act, registered at Police Station Patti, District Tarn Taran.

As per prosecution version, the alleged recovery effected from the petitioner was of 60 grams of narcotic powder. Samples having been sent, report of the Chemical Examiner has revealed the same to be containing diphenoxylate hydrochloride.

It has also gone uncontroverted that awaiting the report of the Chemical Examiner, petitioner was on interim bail for a period of almost one year and such concession was not misused.

Even otherwise, the alleged recovery from the petitioner would be construed as marginally over and above the commercial quantity.

Counsel has even adverted to an order dated 31.03.2016 passed by this Court in CRM No.M-9931 of 2016 whereby one Raj Kumar @ Laddu and against whom also there was an alleged recovery of 60 grams of

diphenoxylate hydrochloride has been granted benefit of bail.

Even though, learned State counsel would submit that the petitioner is involved in one more case under the NDPS Act, yet it has been conceded that the alleged recovery therein was of a small quantity.

Without making any observations on the merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

Disposed of.

24.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**