

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

**CRM-M No. 2568 of 2016 (O&M)
Date of Decision: 28.01.2016**

Sukhdev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, AAG, Punjab
for the respondent/State assisted by HC Gurcharan Singh.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the petitioner in case FIR No. 136, dated 21.11.2014, for offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Badhni Kalan, Moga.

There is alleged recovery of 100 grams intoxicant powder containing the salt of *Alprazolam*.

Learned counsel for the petitioner submits that the seized quantity is non-commercial in nature as it is above 100 grams the recovery becomes commercial. He further submits that the petitioner is in custody since 21.11.2014 and he is not involved in any other criminal case.

Learned State Counsel, assisted by HC Gurcharan Singh, is unable to refute the non-commercial seized quantity as also submits that challan has since been presented.

Without commenting on the merits of the case, keeping in view the custody period of the petitioner and the recovery of contraband being non-commercial in nature, no useful purpose would be served by keeping the petitioner in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Moga.

January 28, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**