

CRM-M-26382-2016

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

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Date of Decision: 31.08.2016

Subheg Singh alias Pappu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.41 dated 18.05.2016, registered at Police Station Sadar Malout, District Sri Muktsar Sahib, under Sections 21 and 22 of NDPS Act.

Notice of motion was issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that heroin weighing 5 grams and 600 tablets of Alprafresh .50 were recovered from the present petitioner.

Learned counsel for the petitioner stated that the aforesaid recovery falls

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under non-commercial quantity. Learned State counsel has not disputed this fact.

Since the aforesaid recovery falls under non-commercial quantity, bar of Section 37 of NDPS Act will not be applicable in the present case. The petitioner has been in custody since 18.05.2016. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

31.08.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No