

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM NO. M-27049 of 2016
DECIDED ON : AUGUST 11, 2016

MANAK SINGH @ MANAK

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

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

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J. (ORAL)

By virtue of this petition preferred under Section 439 Cr.P.C., petitioner has sought regular bail in case FIR No. 202, dated 05.09.2015 under Sections 22 of NDPS Act, registered at Police Station Kotwali Kapurthala, District Kapurthala.

It has been contended by learned counsel for the petitioner that 260 grams of powder containing “Diacetylmorphine” was allegedly recovered from the possession of the petitioner. The commercial quantity of the contraband is 250 grams, meaning thereby, the recovery from the petitioner is marginally more than the commercial quantity. He further submits that petitioner is ready to abide by all the terms and conditions imposed by this Court in case he is granted the concession of bail.

On the other hand learned State counsel submits that 260 grams of

'Diacetylmorphine' was allegedly recovered from the possession of petitioner, which falls within the purview of commercial quantity.

This Court has given an anxious thought to the submissions made by learned counsel for the parties and has perused the record available on file.

The petitioner is alleged to have been apprehended carrying 260 grams of intoxicating powder, which can be termed as marginally higher than the commercial quantity. He is not involved in any other FIR. The petitioner was earlier released on interim bail awaiting the chemical examiner's report. He did not misuse the concession of interim bail granted to him. He is in custody for more than two months. Report under Section 173(2) Cr.P.C. has already been presented and trial court is seized of the matter. The disposal of trial would take sufficient long time.

Taking into consideration the above-stated facts but without expressing any opinion on the merits of the case, instant petition is allowed and petitioner is ordered to be released on bail at the satisfaction of learned trial Court/Duty Magistrate.

AUGUST 11, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No