

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

**Criminal Misc. No. M-28738 of 2016
Date of Decision:-24.08.2016**

Gurdeep Singh @ Gurditta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Jatinderpal Singh, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.44 dated 30.4.2015, under Section 22 of the NDPS Act, registered at Police Station Nihal Singh Wala, District Moga, during pendency of the trial.

Learned counsel for the petitioner contends that the alleged recovery of 50 grams of intoxicant powder containing Diphenoxylate Hydrochloride is marginally above the commercial quantity and there is no other case against the petitioner.

Learned State counsel has filed the custody certificate of the petitioner. The same is taken on record. He does not dispute the facts stated above.

Heard.

The alleged recovery of intoxicant powder containing Diphenoxylate Hydrochloride is marginally above the commercial quantity. There is no other case against the petitioner coupled with the fact that the trial will take sufficient long time as no prosecution witness has been examined so far.

Accordingly, the petition is **accepted**. The petitioner is admitted on regular bail on furnishing of his bail bonds and surety bonds subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Moga.

It is made clear that the observations made hereinabove shall not be construed as reflection of any opinion on the merits of the main case and the trial Court shall decide the case on the basis of availability of evidence.

August 24, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No