

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

CRM-M-29366-2016 (O&M)
Date of decision : 02.09.2016

Anoop Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by HC Sukhwinder Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.39 dated 13.05.2016, registered under Sections 22 and 25 of the NDPS Act, at P.S. Sardulgarh, Distt. Mansa.

Contends that the alleged recovery is not from the conscious possession of the petitioner. As per the case of the prosecution, the petitioner and his four co-accused had kept the contraband by their side. Otherwise also, learned counsel states that the quantity is non-commercial. The petitioner is in custody since 13.05.2016 and he is not involved in any other case.

On the other hand, learned State counsel has opposed the instant petition. She states that 100 grams of intoxicating powder containing ALPRAZOLAM salt was recovered, which is commercial

quantity. However, she concedes that the petitioner is not involved in any other FIR.

Heard.

The salt recovered in this case is ALPRAZOLAM. Whether the quantity is commercial or non-commercial, will remain a moot point before the trial Court. The petitioner is not involved in any other case. The trial is yet to commence as none of the prosecution witnesses has been examined.

Keeping in view totality of the facts and circumstances, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court on the merits of the case.

02.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No