

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

CRM-M-32328-2016 (O&M)

Date of decision: 19.12.2016

Rajvir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikas P. Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by ASI Balbir Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.313 dated 12.05.2016, registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at P.S. Sadar Palwal.

Learned counsel for the petitioner contends that allegedly, 1 kg. 300 grams of charas was recovered on 12.05.2016. The contraband was kept in Malkhana and two samples of 250 grams each were drawn. One sample was sent to FSL on 13.07.2016, i.e. more than two months thereafter. On 11.08.2016, the parcel containing contraband was opened and on weighment, the quantity was found 230 grams. The petitioner is in custody since 12.05.2016.

On the other hand, learned State counsel, assisted by the concerned analyst from FSL, states that the weight loss has occurred due to loss of moisture.

Heard.

In the instant case, allegedly, 1 kg. 300 grams of charas was recovered from the petitioner on 12.05.2016. Thereafter, on 13.07.2017, a sample weighing 250 grams of contraband was sent to the FSL for chemical analysis. Thus, the same kept lying in the Malkhana for a period of more than two months. Furthermore, upon weighment of the sample sent to the FSL on 11.08.2016, the weight was found to be 230 grams.

Keeping in view the above coupled with the fact that the petitioner is in custody since 12.05.2016, without adverting 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/Chief Judicial Magistrate/Duty Magistrate.

Anything said herein above shall not be construed as an expression of opinion of the Court on the merits of the case.

19.12.2016

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No