

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

(I) CRM-M-32399-2016 (O&M)
Date of decision : 23.09.2016

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

(II) CRM-M-32431-2016 (O&M)
Date of decision : 23.09.2016

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Mirpur, Advocate for the petitioner
in CRM-M-32399-2016.

Mr. Harpreet Dandiwal, Advocate,
for Mr. Amandeep Sibia, Advocate,
for the petitioner in CRM-M-32431-2016.

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

JITENDRA CHAUHAN, J. (Oral)

The above noticed two petitions have 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.

Learned counsel contend that the alleged recovery is not from

the conscious possession of the petitioners. Even as per the case of the prosecution, the petitioners and their co-accused had kept the contraband by their side. Otherwise also, the quantity is non-commercial. All the other co-accused have been enlarged on bail by this Court.

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.

Heard.

In this case, ALPRAZOLAM salt was recovered from the petitioners. Whether the quantity is commercial or otherwise, will remain a moot point before the trial Court. All the other co-accused have already been admitted to bail.

Keeping in view totality of the facts and circumstances, without advertng to the merits of the instant case, the instant petitions are allowed. The petitioners be admitted to bail during the pendency of the trial, on their 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.

23.09.2016
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(JITENDRA CHAUHAN)
JUDGE

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