

**Sr. No. 223
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-3763 of 2016 (O&M)

Date of Decision: 10.03.2016

Buta Singh

...Petitioner

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Bikramjeet Singh Jatana, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.82 dated 02.09.2015, under Section 22/61/85 of Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station Boha, District Mansa.

As per prosecution version, the alleged recovery from the petitioner was of 900 microlit tablets. As per chemical examiner's report, the same was found to be containing Diphenoxylate Hydrochloride. Quantity recovered of contraband is stated to 66.6 grams.

Counsel appearing for the petitioner would contend that the alleged recovery is marginally over and above the commercial quantity and placed reliance upon two orders passed by co-ordinate Benches of this Court i.e. dated 27.01.2016 in CRM No.M-31752 of 2015 and dated 17.12.2015 in CRM No.M-39534 of 2015 whereby in

an alleged recovery of 70 gms. and 84.7gms for the same very intoxicant powder i.e. Diphenoxylate Hydrochloride, benefit of bail had been granted.

It has also gone uncontroverted that the petitioner is not involved in any other case under the NDPS Act.

Petitioner has been in custody since 02.09.2015.

In view of the above and without making any observations on merit, petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Mansa.

Disposed of.

10.03.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE