

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

CRM-39264-2016 in/and
CRM-M-38893 of 2016 (O&M).
Decided on:-15.12.2016.

Johri Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Amandeep Singh Rai, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

CRM-39264-2016

Learned counsel for the applicant-petitioner does not press this application for placing on record the copy of FIR (Annexure P-4).

CRM stands dismissed as not pressed.

CRM-M-38893-2016

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.85 dated 29.05.2016 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Patran, District Patiala.

Learned counsel for the petitioner states that the allegation against the petitioner is that he was found in possession of 800 intoxicating

tablets containing salt of *diphenoxylate hydrochloride*. The total weight of recovered tablets was 50.400 grams and the said quantity is marginally higher than the commercial quantity. He further states that the petitioner is in custody since 29.05.2016 and there is no other case pending against him. He further states that the Challan has been presented in the Court and conclusion of trial will take sufficient long time. Learned counsel for the petitioner also relies upon the judgment of this Court in ***Hardeep Singh alias Deepa Versus State of Punjab 2016(1) Law Herald 54*** to contend that where recovery is marginally higher than the commercial one, the petitioner is entitled for the relief of regular bail.

On the other hand, learned State counsel, on instructions from SI Rajbir Singh, does not dispute the custody of petitioner. He, however, states that in the case in hand, Challan has already been presented in the Court and the case is now fixed for framing of charge on 02.01.2017.

I have heard learned counsel for the parties.

Admittedly, the alleged recovery of 800 tablets of intoxicating tablets containing salt of *diphenoxylate hydrochloride* weighing 50.400 grams is marginally higher than the commercial quantity. The petitioner is in custody since 29.05.2016 and no other case is pending against him. The case is at the initial stage as only the Challan has been presented in the Court and, therefore, conclusion of trial is likely to take sufficient long time.

Accordingly, the present petition is allowed and the petitioner is ordered to be admitted on bail on his furnishing bail bonds and surety bonds

to the satisfaction of learned trial Court.

It is made clear that the observations made hereinabove are restricted only for limited purpose of disposal of the present petition for regular bail and shall not construe any expression on the merits of the case.

It is further clarified that in case the petitioner is found involved in any other case of similar nature, the prosecution shall be at liberty to seek cancellation of his bail.

December 15, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No