

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

CRM-M-42490 of 2016.

Decided on:-15.12.2016.

Madan Lal.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.93 dated 30.05.2015 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Sadar Khanna, District Ludhiana.

Learned counsel for the petitioner states that the allegation against the petitioner is that he was found in possession of 125 grams of intoxicating powder which on analysis was found to be *alprazolam*. He further states that the petitioner is in custody since 12.07.2016 and earlier to that, he remained on interim bail. There is no other case pending against him. In support of his contentions, learned counsel for the petitioner relies upon order dated February 17, 2016 of this Court passed in in ***CRM-M-959 of 2016*** titled as ***Binder Kaur Versus State of Punjab.***

On the other hand, learned State counsel, on instructions from

ASI Aman Singh, does not dispute the custody of petitioner. He, however, states that in the case in hand, 1 witness out of 12 prosecution witnesses has been examined. The custody certificate filed by learned State counsel in the Court today, is taken on record.

I have heard learned counsel for the parties.

The alleged recovery of 125 grams of intoxicating powder from the petitioner on analysis was found to be *alprazolam*. The petitioner is in custody since 12.07.2016 and no other case is pending against him. The case is at the initial stage as only 1 witness out of total 12 prosecution witnesses has been examined so far 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