

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

(217)

CRM-M-41952-2015

Decided on: February 04, 2016.

Rakesh Kumar @ Billa

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Prashant Vashisth, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

The petitioner has been in custody w.e.f. 20.03.2015 for having been found in possession of 1 kg 100 grams of charas. The alleged recovery of charas is 100 grams more than the commercial quantity prescribed. Petitioner is also an accused in another FIR No.196 of 2013 under Section 20 of the NDPS Act.

In the present case, challan under Section 173 (2) Cr.P.C has been presented without the report of chemical examiner.

In view of said circumstances, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court as detaining the petitioner for a period of about one year without the report of Forensic Science Laboratory would be an impropriety on the face of it.

**(M.M.S. BEDI)
JUDGE**

February 04, 2016

harsha