

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

CRM No.M-43818 of 2016 (O&M)

Date of decision: December 15, 2016

Bhupinder Singh alias Binder

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Mohinder Pal, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner-Bhupinder Singh alias Binder has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.220 dated 11.08.2016, registered at Police Station Kalanwali, District Sirsa, under Section 21-B of Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion has been issued in this case.

On asking of the Court, Mr. B.S.Virk, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State and contested this petition. Police record has also been produced.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per prosecution version, 166 gms of white colour intoxicant powder and 3 gms of brown-chitta have been recovered from the present petitioner and co-accused. As per the FSL report, 3 gms powder was found to be heroin which falls in non-commercial quantity and 166 gms white powder was containing the salt 'phenobarbital'.

As per entry 227 of the table attached with the Narcotic Drugs and Psychotropic Substances Act, 1985, quantity of more than 500 gms of phenobarbital is non-commercial, therefore, this recovery also falls in non-commercial quantity. The petitioner has been in custody since 11.08.2016. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

December 15, 2016

rajesh.k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No