

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.648 of 2016

Date of Decision:-20.01.2016

Baksho.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.K. Dadwal, Advocate for the Petitioner.

Mr. Mikhail Kad, AAG Punjab assisted by
HC Satnam Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Baksho in case FIR No.113 dated 08.09.2014 for offences punishable under Sections 22/61/85 of NDPS Act registered with Police Station Garhshankar, District Hoshiarpur.

There is a recovery of 55 grams of intoxicating powder and as per the FSL report it contains 3.12% of Diphenoxylate Hydrochloride which renders the seized contraband as commercial in nature.

It is contended that the seized Psychotropic substance is marginally commercial and the petitioner is not involved in any other case.

He further submits that the interim bail granted earlier was never misused.

It is also submitted that the evidence of the prosecution is yet to commence.

Learned State Counsel assisted by HC Satnam Singh does not dispute the aforesaid factual position.

Without commenting on the merits of the case, keeping in view the fact that seized quantity being marginally commercial, their being no involvement of the petitioner in any other case and that trial is not likely to be concluded in near future, no useful purpose is going to be served by keeping the petitioner behinds the bars as such present petition is allowed and and the petitioner Baksho is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Hoshiarpur.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

January 20, 2016
Vinay