

**Sr. No.221
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No.M-6962 of 2016 (O&M)

Date of Decision: 27.04.2016

Lal Bahadur @ Bahadur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sarju Puri, Advocate,
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G.Punjab.

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TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.31 dated 02.04.2015, under Sections 21/22/61/85 of Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station Balachaur, District SBS Nagar.

As per prosecution version, the alleged recovery effected from the petitioner is 10 grams of heroin and 100 grams of intoxicant powder.

It has gone uncontroverted that the petitioner had been granted concession of interim bail awaiting the report of the Chemical Examiner.

Petitioner enjoyed such concession for a period of approximately four months and did not misuse the concession.

Insofar as the recovery of heroin is concerned, the same is of non-commercial quantity. The alleged recovery of 100 grams of intoxicant powder found to be containing alprazolam salt, the same would be a border line case as 100 grams and above of such salt is taken to be commercial quantity as per Schedule appended along with NDPS Act.

Petitioner is not stated to be involved in any other case under the NDPS Act.

Investigation in the case is complete and even challan stands presented.

In view of the above and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, SBS Nagar.

Disposed of.

27.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**