

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

CRM-M No. 6989 of 2016 (O&M)

Date of Decision: 02.03.2016

Harbans Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by ASI Mela Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused/petitioner-Harbans Singh in case FIR No. 58, dated 14.09.2015, for offences punishable under Sections 22/61/85 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Sadar Budhlada, District Mansa.

As per allegations, on 14.09.2015, accused/petitioner was apprehended with 300 Microlit Intoxicant Tablets.

It is contended that as per FSL report, each tablet contains the salt of Diphenoxylate Hydrochloride to the tune of 1.8 mg/tablet and, thus, the total weight of the tablets is less than commercial quantity, which falls in non-commercial quantity as per Sr. No. 44 mentioned in the schedule of the Narcotic Drugs and Psychotropic Substances Act, 1985. It is further contended that the petitioner is in custody since 14.09.2015 and after completion of investigation, challan stands presented.

Learned State Counsel, assisted by ASI Mela Singh, does not dispute the custody period of the petitioner as also presentation of challan. He also does not dispute the fact that seized quantity is non-commercial in nature.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner and the fact that seized quantity is non-commercial in nature, no useful purpose would be served by keeping the petitioner/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Mansa.

March 02, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE