

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

CRM-M No.9237 of 2016 (O&M)

Date of Decision: 29.04.2016

Malkit Singh @ Meeta

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by H.C. Sukhdev Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Malkit Singh @ Meeta in case FIR No.83 dated 02.09.2015, under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered with Police Station Boha, District Mansa (**Annexure P-1**).

There is a recovery of 400 intoxicating tablets from the petitioner and as per the Chemical Examiner Report, the same contains 0.5 mg. of Alprazolam and thereby the seized quantity being of 103 grams is commercial in nature.

It is contended that the petitioner is in custody since 02.09.2015 and the seized quantity is marginally higher than commercial.

The petitioner is stated to be not involved in any other criminal case.

Learned State Counsel, assisted by HC Sukhdev Singh, admits that 100 grams would be commercial whereas in the present case, recovery is of 103 grams, which is marginally commercial. She further admits that the custody period and that the evidence of the prosecution witnesses is yet to commence, as also the petitioner is not involved in any other case.

Without commenting on the merits of the case, keeping in view the custody period; the seized quantity being marginally commercial, petitioner is not involved in any other case and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on regular bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

April 29, 2016
Gagan

(JASWANT SINGH)
JUDGE