

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

**CRM-M No.9457 of 2016 (O&M)
Date of Decision: 04.05.2016**

Pargat Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gurinder Singh Hayer, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Balraj Massi.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Pargat Singh in case FIR No.145 dated 23.09.2014 for the offences punishable under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered with Police Station Sadar Moga.

There is a recovery of 100 grams of intoxicating powder containing *Alprazolam*.

It is contended that the alleged recovery is non-commercial in nature as the quantity more than 100 grams constitutes commercial quantity.

The petitioner remained in custody for almost 13 months.

It is next contended that there are two other cases under the NDPS Act regarding the recovery of *poppy husk*, which were also non-commercial in nature and the petitioner is on regular bail in those cases.

Learned State Counsel, assisted by ASI Balraj Massi, is unable to refute the fact of the quantity being non-commercial in nature, custody period and that evidence of the prosecution witnesses is yet to commence.

Without commenting on the merits of the case, keeping in view the custody period, the quantity being non-commercial in nature 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 bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 04, 2016

Gagan

(JASWANT SINGH)
JUDGE