

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-15048 of 2017.

Date of decision: 05.05.2017.

Jony

... Petitioner

Versus

Union Territory, Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Miglani, Advocate for
Mr. Mr. J.S. Uppal, Advocate,
for the petitioner.

Mr. Gautam Dutt, Add. PP for UT.

Jitendra Chauhan, J. (Oral)

This is a bail application filed under Section 439 the Cr.P.C for grant of regular bail in case FIR No.43 dated 03.03.2017 registered under Sections 22 and 21 of NDPS Act at Police Station Maloya, Chandigarh.

Learned counsel for the petitioner contends that 10 injections of Pheniramine Maleate, 10 injections of Buprenorphine and 3 grams of heroin were allegedly recovered from the petitioner. It is contended that the total quantity recovered is 20ml and if the same is converted into grams, it comes to 20 gms. As per serial No.169 of the table attached to the NDPS Act, the commercial quantity starts from above 20 gms. Thus, it is asserted that the quantity allegedly recovered

from the petitioner is non-commercial. The petitioner is a young boy of 28 years and is not involved in any other FIR.

On the other hand, the learned State counsel submits that the recovery was effected from the conscious possession of the petitioner and the same clearly falls under commercial quantity.

Heard.

In view of the submissions, whether the substance allegedly recovered from the petitioner is commercial has become debatable at this stage. The petitioner is a young boy of 28 years and is in custody since 03.03.2017, the challan stands already presented, 14 PWs have been cited in the list of witnesses and the same are police officials therefore, it cannot be said that the petitioner will be able to exert any pressure upon the witnesses so, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

05.05.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No