

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16182-2017

Date of decision: July 24, 2017.

Inderbir Singh

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Vikas Gupta, Advocate for the petitioner(s).
Shri Ramandeep Singh Sandhu, Sr. Dy. AG, Punjab.

A.B. Chaudhari, J. (Oral):

Heard learned Counsel for the rival parties.

The petitioner seeks the grant of regular bail in FIR No.101 dated 12.8.2014, under Section 22/61/85 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Sarai Amanat Khan, District Tarn Taran.

Learned Counsel for the petitioner contends that though the petitioner was allegedly arrested at the spot on 12.8.2014 but was allowed the concession of interim regular bail on 16.12.2014 awaiting the FSL report. He further submits that the petitioner was again arrested on 4.4.2016 after the receipt of the FSL report. He thus submitted that during this period of one and a half years, he never misused the concession of bail. On merits, he submits that the petitioner was allegedly found in possession of 110 grams of intoxicating powder, which, according to him, is marginally higher than the non commercial quantity.

Learned Counsel for the petitioner further submits that there are

some debatable issues which will be adjudicated upon only during trial, i.e., whether Alprazolam, allegedly recovered from the petitioner, is a manufactured drug within the mischief of Government of India notification dated 14.11.1985 (punishable under Section 21 of the Act) or a narcotic substance (punishable under Section 22 of the Act).

Learned Counsel for the petitioner, instructions from the petitioner, undertakes to report at Police Station Sarain Amanat Khan on every Monday, Wednesday and Sunday from 11 AM to 4 PM.

The petition is allowed. The petitioner is ordered to be released on regular bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

The petitioner shall, however, report at Police Station Sarai Amanat Khan on every Monday, Wednesday and Sunday from 11 AM to 4 PM.

July 24, 2017.
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[**A.B. Chaudhari**]
Judge

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