

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-19230 of 2017 (O&M)

Date of Decision: 31.05.2017

Sukhdev Singh @ Sukha

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Varun Sharma, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.41 dated 31.3.2016 under sections 22, 61, 85 of N.D.P.S Act, registered at Police Station, Sultanpur Lodhi, District Kapurthala.

Learned counsel for the parties have been heard.

As per prosecution version, the alleged recovery in the present case is of 63.42 grams of Diphenoxylate Hydrochloride.

Counsel for the petitioner would contend that the alleged recovery is marginally over and above the commercial quantity and places reliance upon two orders passed by Coordinate Benches of this Court i.e. dated 27.01.2016 in **CRM No. M-31752 of 2015** and dated 17.12.2015 in **CRM No. M-39534 of 2015**, whereby in an alleged recovery of 70 grams and 84.7 grams for the same very intoxicant powder i.e. Diphenoxylate Hydrochloride, benefit of bail has been granted.

It has also gone uncontroverted that the petitioner is not involved in any other case of N.D.P.S Act.

Petitioner has been in custody since 31.3.2016.

The trial is stated to be at the very initial stage and would take time to conclude.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Kapurthala.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

31.05.2017

lucky

Whether speaking/reasoned:	Yes
Whether Reportable:	No