

CRM-M-20623-2017

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

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Date of Decision:08.08.2017

Rakesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sumit Singh Bairagi, Advocate for
Mr. Sandeep Kumar Passi, Advocate,
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Rakesh Kumar has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.284 dated 11.12.2014, registered at Police Station Guruharsahai, District Ferozepur, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that recovery of 1020 tablets containing 'Alprazolam Salt' was effected in the present case. As per the

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prosecution version, total weight of the aforesaid tablets comes out to be 102 grams, which falls in commercial quantity.

Keeping in view the facts and circumstances of the present case and in view of the facts that the tablets were in strips and not found loose and their weight has been calculated on the basis of FSL report, there is every chance that the weight may be one or two grams less, as stated by the prosecution and in such circumstances, the aforesaid recovery falls in non-commercial quantity.

Moreover, the petitioner has been in custody since 29.04.2016. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

08.08.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No