

205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 21488 of 2017
Date of Decision: 10.07.2017

Ajay Kumar @ Ghosa

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Divjyot S.Sandhu, Advocate,
for the petitioner.

Mr. A.A. Pathak, Additional Advocate General, Punjab.

RAJIV NARAIN RAINA, J.(Oral)

This is the first petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case F.I.R. No. 222, dated 22.11.2016, registered under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and under Sections 61/1/14 of the Punjab Excise Act, 1914, at Police Station Kotwali, District Kapurthala.

When the matter came up for hearing on 14.06.2017, this Court passed the following order:

“Learned counsel for the petitioner submits that the petitioner was earlier admitted to bail by the learned trial Court but only upon receipt of the FSL report, to the effect that the contraband stated to have been seized from him is marginally above the commercial quantity, his bail bonds have been forfeited.

On query, learned State counsel, on instructions, does not deny that the petitioner never misused the concession of bail earlier and also that the quantity of the contraband stated to have been recovered, is 110 grams of intoxicating powder, with commercial quantity being over 100 grams.

However, learned State counsel has further contended that after the bail bonds of the petitioner were forfeited, he never surrendered before the trial Court and warrants for his arrest have now been issued.

Learned counsel for the petitioner submits that the petitioner has been admitted to a Rehabilitation Centre since 23.03.2017, as per the certificate (Annexure P-5), issued by that Centre.

Learned State counsel seeks time to get the aforesaid fact verified.

Adjourned to 10.07.2017.

In the meanwhile, upon the Investigating Officer going to the Rehabilitation Centre to verify the factum of the petitioner's admission there, if he finds him to be admitted there, he shall admit him to interim bail to his satisfaction, till the next date of hearing before this Court.”

The petitioner was admitted to interim bail, when the Investigating Officer found the petitioner in the Rehabilitation Centre.

Learned counsel for the petitioner says that the petitioner has been discharged from the Rehabilitation Centre.

The petitioner was arrested with 110 grams of intoxicant substance and the chemical report reveals that the contraband was Alprazolam.

Learned State counsel submits that in addition to 110 grams of intoxicant substance, 8 boxes of country made liquor were also recovered from the car driven by the petitioner.

Recovery is 10 grams more than the commercial quantity prescribed for intoxicating powder, the commercial quantity being 100 grams. It is a marginal difference and I find that no purpose would be served by keeping the petitioner incarcerated in jail till the disposal of the case.

Recoveries have been made. No custodial interrogation is required in this case.

Accordingly, this petition is allowed and the petitioner is directed to appear before the trial Court within a period of 10 days and in the event of his appearance, he shall be admitted to *ad* interim bail subject to his furnishing personal bail bonds with two sureties in the like amount to the satisfaction of trial Court/Duty Court.

July 10, 2017
Apurva

(RAJIV NARAIN RAINA)
JUDGE

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