

208.

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

CRM-M-26453-2017

Date of decision:15.11.2017.

AMITABH SINGH

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.90 dated 04.11.2015 under Section 22 of NDPS Act read with Sections 382, 379, 411, 34 IPC, registered at Police Station Division No.6, Jalandhar City.

Learned counsel for the petitioner states that the alleged recovery is of 105 grams of intoxicant powder and on chemical examination, it was found to be alprazolam. He further states that the petitioner is in custody for the last about 1 year and 10 months and there is no other case against him under the NDPS Act. The recovered quantity is marginally above than the commercial quantity.

Learned State counsel does not dispute the custody and quantity. However, he states that there are two other cases against the petitioner i.e. FIR No.89 dated 24.10.2015 under Sections 379-B/34 IPC, Police Station Division No.06, Jalandhar and FIR No.26 dated 23.02.2015 under Sections 457/380/411 IPC, Police Station Maqsudan, Jalandhar. He fairly states that there is no other case against the petitioner under the NDPS Act.

I have heard learned counsel for the parties.

Admittedly, the petitioner is in custody for about 1 year and 10 months and as against total 15 witnesses cited by the prosecution, only three witnesses have been examined so far and in this manner, the trial in the case will take sufficient long time. Even otherwise, the alleged recovered quantity is of 105 grams of intoxicant powder which contains the salt of alprazolam, is marginally above the commercial quantity.

In view of above, the petitioner is admitted on bail subject to his furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

Accordingly, present petition is allowed.

(HARI PAL VERMA)
JUDGE

15.11.2017
sanjeev

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