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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29816-2017 [O&M]

Date of Decision:- September 28,2017

Vishal Mahajan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. A.S.Sandhu, Addl.A.G., Haryana
for the respondent State.

SHEKHER DHAWAN, J.

Present petition under Section 439 Cr. P.C., for grant of regular bail in case bearing FIR No.173 dated 24.05.2014 registered under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the Act"), at Police Station A Division, District Amritsar City.

2. The allegations against the present petitioner are that he was found in possession of of 150 gms. of intoxicant powder and 5 gms of heroin.

3 Learned counsel for the petitioner contended that as per report of Chemical Examiner, Annexure P/3, the quantity of ingredient in parcel was found to be 2.93% and on the basis of that, even the total recovery comes to 45 gms, which is less than the 'commercial quantity'. The petitioner was also allegedly found to be in possession of 5 gms of heroin, which is also small quantity. The petitioner is in custody since 24.05.2014

and he is not involved in any other case of identical nature under the Act.

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The trial of the case still to take some more time. So he be released on bail.

4. Learned State counsel while opposing the present application submitted that the petitioner was found to be in possession of 150 grams of intoxicant powder and 5 gms. of heroin and no case is made out to release the petitioner on bail.

5. Having considered the submissions made by learned counsel for the parties and the fact that the petitioner is not involved in any other case under the Act; he is in custody since 24.05.2014; the alleged recovery is not of commercial quantity and decision of the case still to take some more time, the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/Area Magistrate, Amritsar .

The petition stands allowed.

September 28, 2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned
Reportable

Yes
No