

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

CRM-M-30246 of 2017.

Decided on:-24.08.2017.

Major Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Maninder Singh Bajwa, Advocate
for the petitioner.

Mr. Bhupender Beniwal, 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 the FIR No.123 dated 06.07.2017 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kartarpur, District Jalandhar.

Learned counsel for the petitioner states that the alleged recovery is 150 intoxicant capsules and 2 stripes of 10-10 tablets each i.e. total 20 tablets of Alprest 0.5 mg. The petitioner is in custody since the date of registration of FIR i.e. 06.07.2017 and report of FSL has not been received. Even the order dated 28.07.2017 passed by learned Special Court, Jalandhar shows that the office of the Chemical Examiner usually takes at least 8-9 months for giving FSL report. He prays that in the absence of FSL report, it is difficult to come to a definite conclusion that the recovered contraband

strictly falls within the NDPS Act and, therefore, the petitioner be released on interim bail.

Learned State counsel, on instructions from ASI Salender Singh, admits that the FSL report is still awaited. However, he states that 2 strips of tablets recovered from the petitioner contain the salt of *alprazolam*.

I have heard learned counsel for the parties.

Considering the alleged quantity of contraband recovered from the petitioner and the fact that the FSL report has not been received so far, the petitioner is granted interim bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

It is made clear that in case the FSL report shows that the recovery effected from the petitioner attracts the provisions of the NDPS Act, the petitioner shall surrender before the trial Court forthwith. The result of FSL report shall be informed to the petitioner.

The present petition is disposed of in these terms.

August 24, 2017

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No