

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

**Crl. Misc. No.M-33419 of 2017 (O&M)
Date of Decision: December 06, 2017.**

Harjinder Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ramesh Chand Sharma, Advocate
for the petitioner (s).

Mr. C.L. Pawar, Sr. D.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 83 dated 14.04.2017 registered for the offences punishable under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Shahkot, Police District Jalandhar Rural.

Heard.

As per the allegations in the FIR, 103 grams of intoxicating powder (Alprazolam) wrapped in a plastic envelop and 2 grams of heroin were recovered from the possession of petitioner. Intoxicating powder appears to have been weighed on a computerized weighing scale along with envelop. Alprazolam more than 100 grams falls under the category of commercial quantity. The weight of the envelop was not separately taken at

any point of time.

In view the above fact, the plea will be available with the petitioner to prove before the trial Court that the recovery of contraband effected from him is of non-commercial quantity.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Harjinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

December 06, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***