

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

CRL. MISC. No.M-33497 OF 2017 (O&M)
DATE OF DECISION : 14th SEPTEMBER, 2017

Mithlesh Mahto

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Anil Kumar Spehia, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.13 dated 08.02.2015 registered under Sections 22/61/85 of NDPS Act at Police Station Bhogpur, District Jalandhar.

Heard learned counsel for the rival parties.

Learned counsel for the petitioner submits that the petitioner was released on regular bail in view of the operation of the law i.e. statutory bail. The trial Court has by impugned order dated 06.07.2017 taken him in custody only on the ground that the FSL report has been received and as per report the petitioner was found in possession of 100 gms of intoxicant powder.

In my opinion, since the petitioner was already on regular bail, the reason that the FSL report was filed afterwards, does not make any difference at all.

In that view of the matter, I am inclined to grant bail to the petitioner. Hence, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-33497 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.

14th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>