

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M-44608 of 2017

Date of decision: December 04, 2017

Dilshad

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Umesh Kumar Kanwar, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks regular bail in FIR No.53 dated 03.05.2017, under Sections 22/61/85 of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Division No.6, Jalandhar, District Jalandhar.

Upon instructions from ASI Narender Singh, P.S. Division No.1, Jalandhar, learned State counsel makes a categorical statement that there is no other case of similar nature pending against the petitioner. Trial Court has made the following observations in Para 4 of the impugned order:-

“Perusal of the record shows that earlier the accused/applicant was granted interim bail vide order dated 15.07.2017 and it was made clear that if on the receipt of report of Chemical Examiner/forensic Science Laboratory, quantity

of recovered contraband is found to be of commercial quantity under the Act, the relief of interim bail will come to an end automatically and accused shall surrender in the court without any further order of cancellation of his interim bail. Report of FSL was received on 26.09.2017, as per which the quantity of contraband recovered from the accused falls in commercial and as such the accused/applicant was ordered to be taken into custody as per order dated 15.07.2017. The recovery effected from the accused/applicant falls in commercial quantity. The allegations raised against the accused are serious.”

Learned counsel for the petitioner put my attention to the order made by this Court in **CRM-M-32527 of 2017** dated 25.09.2017 and contended that the petitioner had got regular bail from this Court. For the reasons stated in the said order, the petitioner was entitled to store the drugs including Alprazolam. This Court disagree to the contention raised by the counsel for the petitioner therein that he was entitled to store huge quantity of drugs. But then this Court found that the issue was debatable and being a first offender, he was ordered to be released on bail. In so far as, the present petitioner is concerned, he was servant in the clinic of Dr. Piyush Kalia. I do not think the petitioner should be treated differently particularly because he has no other case created.

In that view of the matter, the petitioner be released on bail, subject to the following conditions:-

- (i) The **CRM-M-44608 of 2017** is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner to surrender his passport with the trial Court, if he possesses the same.
- (iv) The petitioner would file an undertaking to the trial Court that he will not commit the same or any other kind of offence in future.
- (v) Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.
- (vi) In case, the petitioner violates the above said conditions, this order of bail comes to an end automatically without reference to this Court.

(A.B. CHAUDHARI)
JUDGE

December 04, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No