

CRM-M-48273-2017

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

CRM-M-48273-2017

Date of Decision: 22.12.2017

Satnam Singh @ Satta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Himanshu Puri, Advocate,
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner-Satnam Singh @ Satta has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.108 dated 19.08.2016, registered at Police Station Sadar Kapurthala, District Kapurthala, under Section 22 of the NDPS Act, 1985.

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that as per the prosecution version, 55 gram intoxicant powder containing 'Diphenoxylate Hydrochloride' has been recovered from the present petitioner. Perusal of police file

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shows that the powder has not been weighed on digital scale. The aforesaid salt more than 50 gram falls in commercial quantity and in the present case, recovery effected in the present case is 55 gram. It is still debatable as to whether recovery is 55 gram or less than that and it may be non-commercial because it has not been weighed on digital scale. Furthermore, it is also not clear as to whether weight of plastic bag is also included or not.

The petitioner has been in custody more than eight months. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

22.12.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No