

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

CRM-M-15233-2018 (O&M)

Date of decision: 25.04.2018

Sikander

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.85, dated 04.06.2015, under Section 22 of the NDPS Act, registered at Police Station Sangat, District Bathinda.

As per prosecution version, an alleged recovery of 12 vials of Rexcof (100 ml. each) was effected from the petitioner.

Petitioner having been arrested was granted concession of default bail as the final investigation report had not been submitted within the statutory time frame.

Pleadings on record further indicate that the petitioner having evaded trial proceedings, the concession of bail was cancelled.

Concededly, petitioner has thereafter surrendered on 15.03.2018.

Even though, prayer for bail has been opposed by learned State counsel on instructions from ASI Gurjant Singh by submitting that the petitioner is involved in another case under the NDPS Act but it is conceded

that the alleged recovery in such case was of a small quantity and the petitioner has been granted benefit of bail.

During the course of arguments, counsel has adverted to an order dated 10.12.2015 passed by a Coordinate Bench in **CRM-M-38892-2015 (Rahul Mehra Vs. State of Punjab)**, wherein benefit of bail was granted to the petitioner therein and against whom there was an alleged recovery of 13 vials of Rexcof Cough Syrup of 100 ml. each by observing that it would be marginally commercial quantity.

Trial in the present case would take time to conclude.

In the totality of circumstances and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of trial Court/Duty Magistrate, concerned.

Disposed of.

25.04.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |