

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

CRM-M-16055 of 2018
Date of Decision:25.04.2018

NURSI RAMPetitioner

Versus

STATE OF PUNJABRespondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jaswinder Singh Grewal, Advocate
for the petitioner.

Mr. H.S. Sandhu, AAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case First Information Report No. 92 dated 23.10.2017, under Sections 21/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 15 of the Indian Medical Council Act, 1956 registered at Police Station, Khuhian Sarwar, Tehsil Abohar, District Fazilka.

Learned counsel for the petitioner submits that the recovery of the contraband effected from the petitioner is 800 tablets of Lomotil i.e. 51.04 gms (Diphnoxybate) , which is marginally higher than the commercial quantity as specified in the schedule of the NDPS Act. It is further contended that the petitioner is in custody since 23.10.2017 and the charges in this case have already been framed on 30.03.2018. It is also contended that there are total 6 PW's but none has been examined till date.

The above factual position is duly acknowledged by learned State counsel.

Heard learned counsel for the parties and perused the paper book.

Keeping in view of the fact that the recovery is marginally higher than the commercial quantity and he is the first offender and there is no other case pending against the petitioner under the provisions of NDPS Act. Considering the facts and circumstances of the case and the fact that the trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Nursi Ram be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

April 25, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no