

Sr. No.209

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

CRM No. M-18372 of 2017 (O&M)

Date of Decision: 16.01.2018

Mohammad Sahil

... Petitioner

Versus

U.T., Chandigarh

... Respondent

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

Present:- Mr. S.K.Agnihotri, Advocate,
for the petitioner.

Mr. J.S.Toor, APP for U.T., Chandigarh.

TEJINDER SINGH DHINDSA, J.(ORAL)

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.45 dated 10.03.2017, under Sections 21 & 22 of the NDPS Act, registered at Police Station Maloya, UT, Chandigarh.

As per prosecution version, 04 grams of heroin and 10 injections of Buprenorphine containing 2 ml. each were allegedly recovered from possession of the petitioner.

It is a case where even though report of the chemical examiner is still awaited yet the challan has been presented.

The issue as such as to whether offence against the petitioner is made out under the NDPS Act would be open.

Learned counsel representing U.T., Chandigarh does not controvert that the petitioner is not involved in any other case under the NDPS Act.

Under such circumstances, this Court is inclined to extend concession of interim bail to the petitioner to await report of the CFSL.

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

It is, however, clarified that if on receipt of report of the CFSL, an offence is made out against the petitioner under the NDPS Act he would be taken into custody forthwith.

Petition disposed of.

16.01.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No