

CRM-M-2081-2018

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

CRM-M-2081-2018

Date of Decision:09.07.2018

Ravi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Ravi has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.214 dated 27.08.2015, registered at Police Station City Kapurthala, District Kapurthala, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued. Learned State counsel 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 recovery of 60 grams of intoxicant powder containing Diphenoxylate Hydrochloride was effected from the present petitioner. More than 50 gram of the aforesaid salt falls

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in commercial quantity. Perusal of file shows that it is nowhere mentioned by the Investigating Officer as to which scale was used to weight the powder and to separate the samples of 10 grams each.

Keeping in view the fact that the powder was not weighed with the help of digital scale, there is every possibility that recovery may have fallen in non-commercial category. There may be error in weighing the powder, if it is weighed with ordinary scale.

Moreover, the petitioner has been in custody since 23.11.2016. 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; without expressing any opinion on the merits of the case and keeping in view the quantity of intoxicant powder recovered from the petitioner, 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 ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

09.07.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No