

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21056-2018 (O&M)

Date of decision:12.11.2018

Dilbagh Singh alias Bagga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.48 dated 20.03.2018 under Section 22 of NDPS Act, registered at Police Station Sadar Patti District Tarn Taran.

Learned counsel for the petitioner submits that even as per the case of prosecution, the alleged recovery from the petitioner is of 800 tablets of Microlit containing the prohibited substance *diphenoxylate*. It is further submitted that as per FSL report, the actual quantity of the prohibited substance per tablet is only 1.2 mg. Therefore, even if the case of the prosecution is taken as it is, then also the recovery of the prohibited substance from the petitioner is of non-commercial quantity. Learned counsel for the petitioner has relied upon the judgment of this Court, dated 21.08.2018, rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to support his contention. It is further contended that there is no other case against the petitioner. The petitioner is in custody since 20.03.2018. The investigation of the case is complete. The petitioner is

not required for any further investigation purposes. The trial shall take a long time.

On the other hand, learned State counsel submits that the recovery from the petitioner is of 800 tablets of Microlit, which is huge quantity. However, learned State counsel has not been able to contradict that the actual quantity of the prohibited substance per tablet is only 1.2 mg. It is also not disputed that there is no other case against the petitioner.

In view the above submissions made by counsel for the petitioner, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

12.11.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No