

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

261

CRM-M No.21693 of 2018

Date of Decision: May 25th, 2018

Bhupinder Singh @ Bhola

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Surinder Kaur, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.164 dated 14.09.2017 registered at Police Station Division No.3, District Jalandhar, under Sections 22 of the NDPS Act.

It is the contention of learned counsel for the petitioner that the recovery which has been effected from the petitioner come out to 20 grams of Buprenorphine hydrochloride. The said quantity is not commercial, with only two witnesses examined out of 13, with the trial not likely to conclude in near future, the petitioner be granted the concession of regular bail

Counsel for the State could not dispute the assertions of the counsel for the petitioner. He, however, states that the recovery which has been effected from the petitioner is higher than that of the small quantity and, therefore, the petitioner is not entitled to the said concession. He further informs the Court on a query put by this Court that there is no other case against the petitioner except the present one.

Keeping in view the above facts and circumstances, especially the fact that the recovery which has been effected from the petitioner is not

a commercial quantity, with he being in custody for more than eight months, with two witnesses out of 13 witnesses examined till date and the trial not likely to conclude in near future, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court.

May 25th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No