

Sr. No.211

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

CRM No. M-2538 of 2018 (O&M)

Date of Decision: 23.04.2018

Shanta Pun @ Bahadur

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. D.S.Sandhu, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking regular bail pending trial in case FIR No.77 dated 27.05.2017, under Sections 21,61, 85 of NDPS Act, registered at Police Station Sadar, Phagwara, District Kapurthala.

Counsel for the parties have been heard.

As per prosecution version, petitioner was apprehended on 27.05.2017 and was found in possession of 258 grams of intoxicant powder and as per report of the Chemical Examiner, the same was found to be 'Diacetylmorphine'.

In the light of notification issued by the Central Govt. under Section 2 of the NDPS Act, a quantity more than 250 grams of

manufactured drug or preparation containing Diacetylmorphine is to be considered as commercial quantity. In the present case recovery is of 258 grams, which is marginally more than the commercial quantity.

Petitioner is in custody since 27.05.2017 and the trial is still at the initial stage. Petitioner is not involved in any other case under the NDPS Act.

A reference may also be made to an order dated 30.09.2013, passed by a Coordinate Bench of this Court in CRM No.M-26153 of 2013 titled as Hardeep Singh @ Deepa Vs. State of Punjab, wherein under identical allegations i.e. of recovery of 260 grams of the same very intoxicating material, the benefit of regular bail had been granted.

For the reasons stated above, prayer made in the instant petition is accepted.

Since the Court has been apprised that the petitioner is a native of Nepal petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned and upon imposition of stringent conditions.

Petition disposed of.

23.04.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No