

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-27756-2018

Date of decision: 07.08.2018

Surinder Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate for the petitioners.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

1. Through this second petition under Section 439 Cr.P.C., petitioners, namely; Surinder Singh and Tejinder, have prayed for grant of regular bail in case FIR No. 148 dated 22.07.2017 registered under Section 22 of the NDPS Act at Police Station City, South Moga, District Moga, Punjab.

2. The respondent-State has not complied with the previous order dated 26.07.2018.

3. According to the prosecution, 1050 tablets of Alprafresh 0.5 containing salt Alprazolam and 60,000 tablets of Calvidol 100 SR containing salt Tramadol Hydrochloride, were recovered from petitioner No. 1-Surinder Singh whereas 1050 tablets of Alprafresh 0.5 and 55,000 tablets of Calvidol 100 SR were recovered from petitioner No. 2-Tejinder Singh, containing the same salt as that of the tablets recovered from petitioner No. 1.

3. Learned counsel for the petitioner *inter alia* contends petitioner No. 2-Tejinder Singh is authorized representative of M/s Kataria Medical Agency, which is a licensed whole-sale dealer of drugs under the Drugs and Cosmetics Act, therefore, no offence under Section 22 of the NDPS Act is made out against the petitioners. The petitioners are in custody for the last one year. Conclusion of trial may take a long time. No useful purpose would be served by detaining them in jail.

4. On the other hand, learned State vehemently opposed the submissions made by learned counsel for the petitioner.

5. Considering over-all facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioners, namely; Surinder Singh and Tejinder Singh, are ordered to be released on bail pending trial, on their furnishing bail bonds and surety bonds, to the satisfaction of trial Court/Duty Magistrate concerned, with the condition the they would appear on each and every date before the trial Court and even on a single default of their non-appearance, they will be taken into custody by cancelling their bail bonds and surety bonds.

August 07, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No