

S.No.209

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

CRM-M-28343 of 2018 (O&M)

Date of Decision:14.12.2018

Sahib Singh alias Sahib Davinder Singh

.....Petitioner

Vs.

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)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.89 dated 12.05.2018 registered under Section 22 of NDPS Act at Police Station Sadar Patti, District Tarn Taran.

Counsel for the petitioner contends that even as per the case of the prosecution, the alleged recovery from the petitioner is 1000 tablets of tremadol and 1000 loose white colour tablets. However, after analysis, as per the FSL report, the prohibited substance found in tremadol tablets is only 2.14 mg per tablet which comes to less than commercial quantity in total recovery. Similarly, as per the FSL report, in loose tablets, prohibited substance dyphenoxylate has been found. However, the quantity of the prohibited substance in these tablets is also only 94.31 mg per tablet. The quantity of prohibited substance found in these tablets as well; is only non-commercial quantity. Counsel for the petitioner has relied upon a judgment of this Court in **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of**

Punjab decided on 21.08.2018, to support his contention. Otherwise also,

it is contended by the counsel that there is no other case against the petitioner. The petitioner is in custody since 12.05.2018. He is not required for any investigation purposes.

On the other hand, learned counsel for the State has submitted that there is a huge recovery of prohibited substance from the petitioner. Therefore, he does not deserve to be released on bail. However, counsel for the State has not disputed the quantity of actual substance found in these recoveries as per the FSL report. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 14, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No