

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

**CRM NO. M-34185 OF 2018
DATE OF DECISION : 29.10.2018**

Naveen

...Petitioner

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Jagjeet Beniwal, Advocate,
for the petitioner.

Mr. Surinder Singh, AAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed for seeking bail pending trial in FIR No.181 dated 10.05.2018 for the offences punishable under Sections 22-B, 27-A and 29 of NDPS Act, 1985 registered at Police Station City Dadri, District Charkhi Dadri.

Learned counsel for the petitioner contends that even as per the case of prosecution, the alleged recovery from the petitioner is 240 bottles of medicine, namely Onerex, containing codeine. However, as per the FSL report, the total quantity of the prohibited substance in this recovery is only 48 gms, which is much less than the commercial quantity prescribed for the substance. Learned counsel for the petitioner has relied upon the judgment of this Court rendered in **CRM-M-35080-2018;**

Rajvir Singh @ Raju vs. State of Punjab decided on

21.08.2018. It is further contended by learned counsel that the petitioner is in custody since 10.05.2018. Challan has already been filed. There is no other case against the petitioner. The petitioner is not required for investigation purpose. Therefore, no purpose will be served by keeping the petitioner behind the bars.

On the other hand learned State counsel, being instructed by HC Surender Singh, submits that recovery from the petitioner is of 240 bottles of Onerex, containing prohibited substance, therefore, the case is having serious proportions. However, he does not deny that as per the FSL report, the quantity of prohibited substance, recovered from the petitioner, is only 48 gms and that there is no case pending against the petitioner.

Keeping in view the submissions made by learned counsel for the petitioner, but without commenting any further on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial, subject to furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

OCTOBER 29, 2018
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Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO