

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

CRM-M-35284-2018

Date of decision:31.10.2018

Mohd. Sohail

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Deepak Goyal, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.22 dated 06.07.2018 under Sections 22, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station City-1 Sangrur, District Sangrur.

As per the case of prosecution, on 06.07.2018 when a police party headed by ASI Kuldeep Singh was patrolling and was going to Ubhawal Road, Sangrur, then a lady carrying bag was apprehended who on noticing the police party tried to turn towards Ram Nagar Basti,

Sangrur. However, in the said process, she dropped the bag carried by her and few bottles and strips of tablets fell down. It is the case of prosecution that 4 bottles were of Onerex of 100 Ml. containing Codine Phosphate and two leaves containing 10 tablets each Colvidol SR100, containing salt Tramadol Hydrochloride were recovered.

It is further the case of prosecution that during the course of interrogation the aforesaid Sukhraj Kaur disclosed that it is the petitioner who had been supplying the contraband. Pursuant to the said information the petitioner was apprehended on 9.7.2018 and at the time of his apprehension he was found in possession of three strips (containing 10 tablets each) Alprsafe-05 containing Alprazolam.

Learned counsel has submitted that the petitioner has falsely been implicated in the present case and in any case recovery allegedly effected from the present petitioner is less than 'commercial quantity' and as such, the petitioner deserves the concession of bail.

On the other hand learned State counsel has submitted that since the petitioner was apprehended pursuant to the information by co-accused Sukhraj Kaur and recovery of contraband was also effected, no case for release of the petitioner on bail is made out.

Having regard to the abovesaid facts and circumstances, especially bearing in mind the fact that the actual quantity recovered from the petitioner is less than 'commercial quantity' and that the petitioner has already been behind bars since the last more than three months, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Mohd. Sohail is ordered to

be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Judge Speical Court, Sangrur.

This petition stands accepted accordingly.

31.10.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**