

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

**CRM No.M-37220 of 2018 (O&M)
Date of Decision: September 11, 2018**

Jagtar Singh @ Kuddu

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.62 dated 09.04.2017 under Section 22 of the NDPS Act, registered at Police Station Sultanpur Lodhi, District Kapurthala.

Notice of motion.

Mr.Pawan Sharda, Sr.DAG, Punjab, has put in appearance on behalf of the respondent-State and contested the petition.

Learned counsel for the petitioner argued that first of all, as per prosecution version 110 grams of intoxicating substance containing Alprazolam was recovered from the present petitioner, which is marginally higher than the commercial quantity. Learned counsel for the petitioner further submitted that there is nothing that this intoxicating powder was

weighed on digital scale nor there is anything as to how the powder was measured, whether it was measured along the polythene/envelop or not. He next argued that FSL report says that on opening, the parcel was found to contain 05 grams of off-white coloured powdery material mixed with yellow and few brown coloured particles and Alprazolam was 0.12% only. Learned counsel for the petitioner contended that petitioner has been falsely implicated and in the material, some tablets of Alprazolam were got mixed by the police and false case has been planted.

After hearing learned counsel for the petitioner as well as learned State counsel and after going through the record, I find that there is nothing that powder was measured on digital scale. There is also nothing that whether it was measured with polythene/envelop or not. As per FSL report Annexure P-2, as submitted above, 0.12% of Alprazolam was found and it looks that some other particles were also there having yellow and brown colour.

Keeping in view the above facts that intoxicating powder was not measured on digital scale and it is not clear that whether it was measured including polythene/envelop or not, I find that recovery can fall under non-commercial quantity.

The petitioner has been in custody since 24.04.2018. He is not required for investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing

petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated above, shall constitute my opinion on merits of the case.

September 11, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No