

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-39827-2018 (O&M)

Date of decision: 17.09.2018

Sham Lal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Sham Lal, has prayed for grant of regular bail in case FIR No. 151 dated 22.07.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substance Act (for short- 'the Act'), at Police Station Bhawanigarh, District Sangrur.

According to the prosecution, 6750 intoxicant tablets Becalm-0.5 containing salt Alprazolam I.P 5 gm and 1400 tablets of Calvidol 100 SR containing salt Tramadol, total 8150 tablets were recovered from the conscious possession of the petitioner.

Learned counsel *inter alia* contends that FSL report has not been received qua alleged recovery of tablets from the petitioner.

Therefore, at this stage, it cannot be said that the recovered drugs contain

narcotic substance. He prays that petitioner may be granted bail till the receipt of FSL report.

Learned State counsel fairly admits that the FSL report has not yet been received.

Till the FSL report is received, it cannot be presumed that the aforesaid 6750 intoxicant tablets Becalm-0.5 containing salt Alprazolam I.P 5 gm and 1400 tablets of Calvidol 100 SR containing salt Tramadol, recovered from the conscious possession of the petitioner falls within the definition of “narcotic substance/contraband” under the Act. Therefore, without expressing any opinion on the merits of the case, petitioner-Sham Lal, is granted interim bail till the date of receipt of FSL report, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The instant petition stands disposed of, accordingly.

September 17, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No