

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

CRM-M No.41334 of 2018
DATE OF DECISION:31.10.2018

Bunty

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. A. S. Khosa, Advocate
for the petitioner.

Mr. C. L. Pawar, Senior DAG, Punjab.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.68, dated 01.07.2018, registered under Section 22 of NDPS Act, 1985 at Police Station Fazilka, District Fazilka.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the case whereas he was not involved. As per allegations in the FIR, petitioner was holding a polythene bag containing 20 strips of Kammol-10-SR batch no BTET010 and every strip 10 tablets total 200 tablets and 5 strips Calvidol-100 SR having batch no DTET 064 every strip 10 tablets total 50 tablets and 5 strips of Prozolam-0.5 having batch no NT 17682 every strip 10 tablets total 50 tablets were recovered. The petitioner is in custody since 01.07.2018 and there is no other case against him.

Learned counsel further submits that the FSL report has been

received. As per FSL report, ten white coloured tablets in a strip labelled as Kammol-100SR containing average weight 404.87mg, ten white coloured tablets in a strip labelled as calvidol-100SR containing average weight 388.72 mg and ten peach coloured tablets in a strip labelled as Prozolam 0.5 containing average weight 140.85 mg were found. Accordingly, Tramadol Hydrochoride weighing 97.92 mg whereas the commercial quantity is 250 grams and of Alprazolam is 100 grams whereas recovery is 0.49 mg which is non-commercial and same has been affirmed by learned State counsel.

Learned State counsel has also not disputed the custody period and also the fact that no other case is pending against the petitioner.

Keeping in view the submissions made by learned counsel for the petitioner, the custody period and also the quantity which is non-commercial as well as the fact that there is no other case of NDPS Act pending against the petitioner, the petition is allowed. The petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

31.10.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No