

Sr. No.211

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

**CRM-M-41576-2018
Date of decision:11.10.2018**

Sandeep Kumar

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vishavdeep Singh Rana, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking bail pending trial in FIR No.0254 dated 21.07.2018 for the offences punishable under Section 22 of NDPS ACT, 1985, Sections 2/3/4/5 MTP Act, 1971 and 15(2)(3) Indian Medical Council Act, 1956 and 315, 420 IPC registered at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioner contends that even as per the FIR the quantity of prohibited substance found in of the tablets recovered from the petitioner is only 4.5 gms, which is much less than the commercial quantity prescribed for this substance. In support of his contention learned counsel for the petitioner has relied of 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 for the petitioner that the petitioner is in custody since 21.07.2018, challan has already been presented. Petitioner is not required for any further investigation. Further

submitted by learned counsel that there is no other case of NDPS Act against the petitioner.

On the other hand, learned State counsel, being instructed by ASI Karambir does not dispute the above mentioned facts. However, it is contended that the recovery from the petitioner is of 800 tablets of Alprazolam, therefore, the petitioner should not be released on bail.

In view of the above, without commenting on the merits of the case, the 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.

11th October, 2018

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*