

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

CRM No.M-42133 of 2018 (O&M)

Date of Decision: October 12, 2018

Sukhwinder @ Ghuggi

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Subhash Kumar, 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.208 dated 14.10.2017 under Section 22 of the NDPS Act, registered at Police Station Maqsudan, District Jalandhar.

Notice of motion.

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

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that in the present case, 105 grams of intoxicant powder containing salt 'Alprozolam' has been recovered, which admittedly falls under commercial quantity but no details as to how the powder was weighed; whether it was weighed with polythene bag or not

etc., have been mentioned, though it is mentioned that it was weighed on electronic scale.

Learned counsel for the petitioner argued that no sample has been drawn at the spot nor accused was taken to Magistrate etc. on that very day, as per the record.

In view of the above discussion, I find that there is chance that the recovery may fall under non-commercial quantity.

The petitioner has been in custody since 14.10.2017. He is not required for any 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 any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

October 12, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No