

Sr. No.217

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

CRM No. M-4229 of 2018 (O&M)

Date of Decision: 09.02.2018

Mohammad Sahil

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. S.K.Agnihotri, Advocate,
for the petitioner.

Mr. J.S.Toor, A.P.P. for U.T., Chandigarh.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.45 dated 10.03.2017, under Sections 21 and 22 of the NDPS Act, registered at Police Station Maloya, Chandigarh.

As per prosecution version, 04 grams of heroin and 10 injections of Buprenorphine containing 2 ml. each were allegedly recovered from possession of the petitioner.

Vide order dated 16.01.2018 passed by this Court in CRM No.M-18372 of 2017 petitioner was granted benefit of interim bail to await the report of the Chemical Examiner.

Concededly report of the Chemical Examiner has since been furnished and as per which the alleged recovery is stated to be of 20.4 grams of Buprenorphine.

The recovery would be construed as to be marginally over and above non-commercial quantity.

Petitioner is not stated to be involved in any other case under the NDPS Act.

Further more petitioner having been granted concession of interim bail by this Court did not misuse the concession and rather surrendered on 23.01.2018.

Investigation in the case is complete and challan has been presented. Trial is at the very initial stage and would take time to conclude.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Chandigarh.

Disposed of.

09.02.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No