

Sr. No.218

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

**CRM-M-42436-2018
Date of decision:01.10.2018**

Rakesh Kumar @ Lali

.....Petitioner

versus

State of Punjab

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Rajesh Kumar Dadwal, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl.AG, Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.033 dated 13.04.2017 for the offences punishable under Section 22 of NDPS, Act 1985 registered at Police Station Hariana, District Hoshiarpur.

Learned counsel for the petitioner contends that the recovery from the petitioner is of 110 gms of powder containing Alprazolam which is a psychotropic substance. However, as per the report of the FSL the percentage of the psychotropic substance in the powder is found to be only 1.37%. Therefore, the quantity of the recovered psychotropic substance is less than the commercial quantity. Learned counsel has relied upon the judgment of this court rendered in ***CRM-M-35080-2018; Rajvir Singh @ Raju vs. State of Punjab dated 21.08.2018*** to support his contention. It is further contended that the petitioner is in custody continuously since 24.01.2018. Challan has already been filed. Therefore, petitioner is no

more required for any further investigation in this case. Learned counsel for the petitioner further submits that there is no other case of NDPS pending against the present petitioner.

Learned State counsel, on being instructed by ASI Hardeep Singh, does not dispute the custody of the petitioner and the fact regarding the recovery. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting upon the facts 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.

1st October, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*