

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

CRM-M-42251 of 2017

Date of decision: March 12, 2018

Sukhwinder Singh @ Baggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Prateek Pandit, Advocate for the petitioner.
Mr. C.L. Pawar, Senior DAG, Punjab.

Rajan Gupta, J.(oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Section 22/61/85 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Fattudhinga, District Kapurthala, vide FIR No.80 dated 10.08.2017.

Learned State counsel seeks to place on record reply by way of affidavit of Waryam Singh, Deputy Superintendent of Police, Sub Division, Sultanpur Lodhi, District Kapurthala. Prayer is accepted. Reply is taken on record. Para 3 thereof reads as under:-

3. That contents of para No.3 of the petition are matter of record that the police party led by ASI Jagga Singh apprehended the petitioner and from his personal search 415 intoxicant tablets were recovered. However, the report of the Forensic Science Laboratory has been received and the same revealed as under:-

Ingredient Present : Alprazolam

Average quantity of : 0.43mg/tablet

Ingredient in the parcel

Average weight : 136mg/per tablet

Total : 415 Tablets X 136mg

= 56gm.440mg, which falls under head of non-commercial quantity.”

Petitioner is incarcerated since 10.08.2017. As stand of the State is that contraband recovered from the petitioner is non-commercial in nature, no useful purpose will be served by detaining the petitioner in custody any longer. The trial may take long time to conclude. Thus, without expressing any opinion on the merits of the case, this petition is allowed and the petitioner is directed to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

(RAJAN GUPTA)
JUDGE

March 12, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No