

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

CRM-M-43461-2018(O&M)

Date of decision:05.10.2018

Ramesh Kumar @ Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Dharmander Kumar Sihag, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.25 dated 26.04.2018 registered under Section 22 of NDPS Act, 1985 at Police Station Sadar Abohar, District Fazilka.

Counsel for the petitioner contends that the alleged recovery from the petitioner is of 7200 loose tablets containing Tramadol Hydrochloride which was declared as psychotropic substance on 26.04.2018. The alleged incident is also of 26.04.2018 only. Thereafter, the applicability of the notification, in case of the petitioner would be a moot point. Learned counsel for the petitioner has relied upon the judgment of Hon'ble the Supreme Court rendered in ***2018 AIR (SC) 3853 titled as Mohan Lal Vs. State of Punjab***, to contend that the Investigating Officer and the complainant both happen to be the same person in the case. The petitioner is in custody since 26.04.2018. Challan has already been presented and there is no other case against the petitioner.

On the other hand, learned State Counsel submits that once the notification has been issued to the effect that Tramadol Hydrochloride has become prohibited substance, the petitioner would face the punishment for the same. However, the custody of the petitioner has not been denied by counsel for the State. Still further, it is not denied that there is no other case against the petitioner.

In view of the above submissions made by learned counsel for the petitioner, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

05.10.2018
Hemlata

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No