

Sr. No.214

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

**CRM-M-44245-2018
Date of decision:11.10.2018**

Malkeet Kaur

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

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

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.5 dated 15.01.2018 for the offences punishable under Section 22 of NDPS Act, 1985 registered at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner contends that although the recovery from the petitioner is stated to be of 800 tablets of Mocrolit tablets, however, the quantity of prohibited substance in all the tablets comes only to 17.44 gms, which is much less than the commercial quantity prescribed for the substance. In support of his contention learned counsel for the petitioner has relied of the judgment of this Court rendered in **CRM-M-35080-2018; Rajvir Singh @ Raju vs. State of Punjab** decided on **21.08.2018**. It is further contended by learned counsel for the petitioner that the petitioner is in custody since 11.09.2018. Challan against the petitioner has already been filed. There is no other case against the petitioner.

On the other hand learned State counsel, being instructed by ASI Baldev Raj submits that the recovery from the petitioner is of 800 tablets. Therefore, the petitioner does not deserves to be released on bail. However, learned State counsel has not been able to dispute the quantity of prohibited substance and the custody of the petitioner.

In view of the above, without commenting on the merits of the case, the present 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.

11th October, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*