

Sr. No.215

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

**CRM-M-44247-2018
Date of decision:11.10.2018**

Satnam Singh

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Satwant Mehta, 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.161 dated 30.12.2017 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 the alleged recovery from the petitioner is 350 tablets of Tramadol Hydrochloride and 1200 tablets containing Alprazolam. Learned counsel contends that the Tramadol Hydrochloride was not a psychotropic substance on the date when the recovery was effected from the petitioner, therefore, this can not be an offence in the present case. It is further contended that so far as Alprazolam tablets are concerned, as per the FSL Report only 0.44 mg/tablet of prohibited substance have been detected. Therefore, total quantity of prohibited substance in this recovery is only 0.528 gms, which is much less than the prescribed quantity for this 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 30.12.2017. There is no other case against the petitioner.

On the other hand learned State counsel, being instructed by ASI Baldev Singh, submits that the recovery from the petitioner is of 1200 tablets containing Alprazolam, therefore the petitioner does not deserves the concession of bail pending trial. Learned State counsel has not disputed the fact of custody of the petitioner and the fact that there is no other case against 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*