

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

**CRM-M-44378 of 2018**  
**Date of Decision: 12.10.2018**

Raja

....Petitioner

**VERSUS**

State of Punjab

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

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

Mr. Sandeep Kumar, DAG, Punjab.

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**SURINDER GUPTA, J.(Oral)**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.9 dated 29.01.2018 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Lohian, Jalandhar Rural, District Jalandhar.

Heard.

As per case of prosecution, intoxicating powder kept in a plastic bag was recovered from the petitioner, which on weighment alongwith plastic bag was found 105 gms. The weight was taken on a electronic weighing scale. The investigating officer has not taken separate weight of the plastic bag. The sample of intoxicating powder was sent to FSL and later on it was found to be that of '*Alprazolam*'. The quantity upto 100 gms. of '*Alprazolam*' falls in non-commercial quantity.

Keeping in view above facts and that the petitioner before the trial Court may demonstrate that weight of powder was 100 gms. or less

after excluding weight of the plastic bag and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Raja is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

**October 12, 2018**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No