

S.No.211

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

CRM-M-44645 of 2018 (O&M)

Date of Decision:13.11.2018

Harpreet SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Vinod K. Kaushal, 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.32 dated 17.06.2018 registered under Sections 21 and 22 of NDPS Act, 1985 at Police Station Jhander, Amritsar Rural, Amritsar.

Counsel for the petitioner contends that even as per the case of the Police, the alleged recovery from the petitioner is of two types of tablets, namely, 500 tablets of red colour and 560 tablets of orange colour. It is further contended that as per the FSL report, the red colour tablets have been found to contain Tremadol Hydrochloride which is a prohibited psychotropic substance. However, the quantity of prohibited substance found is only 92.31 mg per tablet; which in all 500 tablets comes to only a non-commercial quantity. Similarly, the tablets of orange colour have been found to contain alprazolam, which is a prohibited substance and the quantity of prohibited substance per tablet found in these tablets is only 39 mg. Even this quantity in all 560 tablets, is a non-commercial quantity.

Counsel for the petitioner has relied upon a judgment of this Court rendered

in **CRM- M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab**

decided on 21.08.2018, to support his case. It is further contended that the petitioner is in custody since 17.06.2018. It is further contended that there is no other case against the petitioner.

On the other hand, counsel for the State has submitted that there is huge recovery from the petitioner. However, the State Counsel has not disputed the quantity of prohibited substance found in these tablets, as per the FSL report, which comes to a non-commercial quantity only. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting 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.

November 13, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No