

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-46373-2018

Date of decision: 26.10.2018

Dev Pushp Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. GS Sandhu, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Sanjay, has prayed for grant of regular bail in case FIR No. 181 dated 21.04.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substance Act (for short- 'the Act') at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel *inter alia* contends that FSL report has not been received qua 2240 injections of Pentazocine Lactate allegedly recovered from the petitioner and his co-accused without any authorization or permit. Therefore, at this stage, it cannot be said that the petitioner was carrying some contraband. He prays that petitioner may be granted bail till the receipt of FSL report.

Learned State counsel fairly admits that the FSL report has

not yet been received.

Till the FSL report is received, it cannot be presumed that the aforesaid injections recovered from the petitioner and his co-accused, falls within the definition of “narcotic substance/contraband” under the Act. Therefore, without expressing any opinion on the merits of the case, the petitioner is granted interim bail till the date of receipt of FSL report, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The instant petition stands disposed of, accordingly.

October 26, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No