

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

**CRM NO. M-46593 OF 2018
DATE OF DECISION : 26.10.2018**

Shouquat Ali

...Petitioner

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. P. S. Baidwan, 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.108 dated 31.05.2018 for the offences punishable under Section 21 of the NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Sohana, SAD Nagar, Mohali.

Learned counsel for the petitioner contends that earlier the petitioner was released on bail pending trial in this case only. However, later on Section 29 of the NDPS Act was also added in the case. Resultantly, the petitioner was taken into custody. It is submitted by learned counsel that even as per the case of prosecution, the alleged recovery from the petitioner is 19 injections of Buprenorphine Hydrochloride. However, the content of prohibited substance, in the said injections, is less

than the commercial quantity. Learned counsel for the petitioner has relied upon 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 that the petitioner is in custody since 31.05.2018. There is no other case pending against the petitioner under the NDPS Act. Therefore, no purpose will be served by keeping the petitioner behind the bars.

On the other hand learned State counsel, being instructed by ASI Paramjit Singh, submits that recovery from the petitioner is of commercial quantity. However, he does not dispute the fact that earlier in this case only, the petitioner was released on bail and that there is no other case pending against the petitioner under the NDPS Act.

Keeping in view the submissions made by learned counsel for the petitioner, but without commenting any further 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.

(RAJBIR SEHRAWAT)
JUDGE

OCTOBER 26, 2018
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Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO