

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-47033-2018

Date of decision: 01.11.2018

Shashi Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Ms. Poonam Tara, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Shashi Kumar, has prayed for grant of regular bail in case FIR No. 0149 dated 11.07.2018 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substance Act (for short- 'the Act') at Police Station Chheharta, District Police Commissionerate, Amritsar.

Learned counsel *inter alia* contends that FSL report has not been received. Therefore, at this stage, it cannot be said that alleged recovered powder was a narcotic substance. 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

alleged recovered powder from the petitioner was a narcotic substance and 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.

November 01, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No