

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-47810-2018

Date of Decision:02.11.2018

Sandeep Kumar @ Seepa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.40 dated 06.04.2018 under Section 22 of the NDPS Act, 1985, registered at Police Station GRP Sirhind, Tehsil and District Fatehgarh Sahib.

Learned counsel for the petitioner states that as per FIR, 10 bottles of Avil containing 10 ml each and 10 intoxicant injections Omgesic Buprenorphine 2 ml each were recovered from the possession of the petitioner. The recovered quantity is 20 gms., whereas the commercial quantity starts above 20 gms. Petitioner is in custody since 06.04.2018 and no other case is pending against him.

Learned State Counsel on instructions from ASI Manjit Singh has argued that though the recovered quantity is on the border line and the

fact whether it falls in commercial or non-commercial quantity is highly

debatable issue.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 06.04.2018 and 10 bottles of Avil containing 10 ml each and 10 intoxicant injections Omgesic Buprenorphine 2 ml comes to 20 gms. were recovered from the possession of the petitioner. As per NDPS Act, the quantity which is beyond 20 gms. falls in commercial quantity, coupled with the fact that trial in the case may take long time and no other case has been pointed out against the petitioner, I deem it appropriate to admit him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

November 02, 2018

seema

(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No