

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-48156-2018

Date of Decision:15.12.2018

Amandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Parvesh Sachdeva, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.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.231 dated 20.12.2017 under Section 22 of the NDPS Act, 1985, registered at Police Station City-I, Abohar, District Fazilka.

As per FIR, when the police-party was on patrolling and checking of suspicious persons in the area of Police Station City-I, Abohar and had moved towards Fazilka Chingi to Hindumal Kot and when reached near Killianwali bypass, one gentleman on a black coloured Hero Honda motorcycle was coming. On seeing the police-party, he suddenly lost his conscious and moved his motorcycle in the fields. He was stopped and as the police-party had some doubt of some intoxicants in his possession, he was offered his personal search as well as the motorcycle by some Magistrate or Gazetted Officer. He showed full faith on the police. 200

tablets of Ietizolam and 700 loose tablets were recovered from his possession. On the basis of FSL report, 700 loose tablets were of Tramadol.

Learned counsel for the petitioner has argued that the petitioner is in custody since 20.12.2017 and there is no other case against him. He has further argued that so far as recovery of 700 tablets of Tramadol is concerned, the same has fallen under the NDPS Act vide Notification dated 26.04.2018, whereas the recovery was allegedly effected on 20.12.2017.

Learned State Counsel does not dispute the issuance of Notification and is fair enough to submit that as on date, when the recovery was effected from the possession of petitioner, there was no Notification regarding Tramadol under the NDPS Act. However, he states that 200 tablets of Ietizolam were recovered from the petitioner, which is non-commercial quantity.

I have heard learned counsel for the parties.

Considering the fact that though the petitioner is in custody since 20.12.2017, recovery of 200 tablets of Ietizolam is non-commercial quantity, coupled with the fact that no other case has been pointed out against him and trial in the case is likely to take long time, I deem it appropriate to admit the petitioner on regular bail.

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

December 15, 2018

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No