

S.No.215

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

CRM-M-48619 of 2018 (O&M)

Date of Decision:13.11.2018

Ram Singh Petitioner
Vs.
State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sherry K. Singla, Advocate
 for the petitioner.

Mr.K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.0031 dated 17.02.2018 registered under Sections 22, 61, 85 of NDPS Act, 1985 at Police Station Barnala.

Counsel for the petitioner contends that even as per the case of the prosecution, the alleged recovery from the petitioner is 5000 tablets containing alprazolam. However, as per the FSL report, the prohibited substance found per tablet is only .49%, therefore, the recovery from the petitioner is of non-commercial quantity of prohibited substance. Counsel has relied upon a judgment of this Court rendered in **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018, to support his case. It is further contended by the counsel that there is no other case against the petitioner. The petitioner is in custody since 17.02.2018. Challan in the case has already been filed. The petitioner is not required for any investigation purposes.

On the other hand, counsel for the State submits that there is huge recovery of 5000 tablets. However, the counsel has not disputed the fact that the quantity of prohibited substance per tablet is only .49%. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

November 13, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No