

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-48766 of 2018
Date of Decision: 16.11.2018

Rajinder Kumar @ Bobby

....Petitioner

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Alok Mittal, Advocate
for the petitioner (s).

Mr. Saurav Khurana, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, "Cr.P.C".) for grant of regular bail to the petitioner in case FIR No.113 dated 1.7.2018 registered for the offences punishable under Sections 22 of NDPS Act at Police Station Division No.1, Jalandhar.

Heard.

Counsel for the petitioner submits that 9000 tablets each containing 0.5 mg weight were recovered from the petitioner, the total weight according to him, comes to 4500 grams which falls within the non-commercial quantity of contraband. Moreover, co-accused has already been granted interim bail by this Court vide order dated 23.10.2018 passed in CRM-M-41002-2018.

Learned State counsel states that the report of Forensic Science Laboratory has not been received. It is not clear whether recovered material falls within the ambit of NDPS Act.

Without expressing any opinion on merits of the case and keeping in view that the report of Forensic Science Laboratory is not received, the petitioner is ordered to be released on bail, till the presentation of the report of Forensic Science Laboratory, on furnishing bail bond and surety bond to the satisfaction of concerned Illaqa/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.
- (d) In case it was found that the recovery falls within commercial quantity, then the petitioner has to surrender before the learned trial Court and this order shall automatically ceased to exist.

Disposed of accordingly.

November 16, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No