

S.No.221

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

CRM-M-53116 of 2018 (O&M)

Date of Decision:06.12.2018

Harjinder SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.
Mr. Hittan Nehra, Addl. AG, 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.133 dated 08.11.2016 registered under Sections 21 and 25 of NDPS Act and Section 61 of Punjab, Excise Act, 1914 (Challan presented only under Section 21/25 of NDPS Act) at Police Station Sadar Kot Kapura District Faridkot.

Learned counsel for the petitioner contends that even as per the case of the prosecution, the alleged recovery from the petitioner is only 300 grams of powder containing the prohibited substance alprazolam. However, the actual quantity of the prohibited substance found in the powder as per the FSL report is only 0.19%, which is much less than the commercial quantity prescribed for the substance. Counsel for the petitioner has relied upon **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018, to support his contention. It is further contended that there is no other case against the petitioner. The petitioner is in custody since 08.11.2016. The challan has already been filed in the case. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State being

instructed by HC Raj Singh, submits that 300 grams of powder is a commercial quantity. However, the percentage of the actual prohibited substance found in the powder is not disputed by the counsel for the State. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting any further 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.

December 06, 2018	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No