

S.No.212

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

CRM-M-53959 of 2018 (O&M)

Date of Decision:11.12.2018

BittuPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Himanshu Puri, 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.35 dated 08.03.2018 registered under Sections 15 and 22 of NDPS Act at Police Station Talwandi Chaudharian, District Kapurthala.

Counsel for the petitioner contends that even as per the case of the prosecution, the alleged recovery from the petitioner is 300 grams of poppy husk; which is much less than the commercial quantity. The second material allegedly recovered from the petitioner; at the same time; is 705 tablets containing the prohibited substance alprazolam. However, the actual quantity of the prohibited substance in these tablets is much less than the commercial quantity. Counsel has relied upon a judgment of this Court in **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018, to support his contention. The petitioner is in custody since 08.03.2018. He is not required for any investigation purposes.

On the other hand, counsel for the State, being instructed by

HC Harjinder Singh submits that a huge quantity of 705 tablets containing prohibited substance; has been recovered from the petitioner. However, it is not disputed that the actual quantity of the prohibited substance in all the tablets is much less than the commercial quantity. Learned counsel for the State has pointed out that as there is one more case against the petitioner under the NDPS Act only, therefore, the petitioner does not deserve any concession of bail.

In response to this, counsel for the petitioner has submitted that the said another case against the petitioner pertains to only a non-commercial quantity. In that case, the petitioner has already been released on bail. The petitioner is not in custody in any other case except the present one, as of now.

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 11, 2018
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(RAJBIR SEHRAWAT)
JUDGE

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