

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

**CRM-M No.601 of 2018
Date of Decision: 22.03.2018**

Gurpreet Singh @ Gopi Petitioner

Vs

State of Punjab Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.69 dated 31.03.2017, registered under Sections 22/61/85 of the NDPS Act at Police Station Phillaur, District Jalandhar.

As per allegations in the FIR, when the police party was on patrolling duty for checking of notorious persons in a private vehicle, then a secret information was received to the effect that the petitioner was involved in the business of selling intoxicant substances and was standing at Phillaur-Nawanshahr road near Satsang Bhawan in wait of the customers. If raid is conducted, he can be caught with intoxicant substances. The information

was treated to be trustworthy and FIR was registered. In pursuance of the aforesaid secret information, the petitioner was arrested and recovery of 86 grams of intoxicant substance was effected which on chemical analysis was found to be Diphenoxylate Hydrochloride.

Learned counsel for the petitioner by relying upon **Shinda vs State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu vs State of Punjab, 2012(22) RCR (Criminal) 301** submitted that the alleged recovery was marginally more than non-commercial quantity.

Learned State counsel opposed the prayer made by the petitioner for grant of regular bail on the premise that 86 grams of Diphenoxylate Hydrochloride is a commercial quantity.

At this stage, without meaning as to the trial under Section 22 of the NDPS Act in respect of alleged recovered contraband and in the view of the debatable ground as the same was found to be marginally above than the prescribed limit of commercial quantity, I deem it appropriate to enlarge the petitioner on regular bail, who is in custody since 31.03.2017.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 22, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No