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

CRM-M No.6243 of 2018
Date of Decision: 23.03.2018

Hardeep Kumar

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.144 dated 19.12.2016, registered under Section 22 of the NDPS Act at Police Station Sadar Nawanshahr, District SBS Nagar.

2. The alleged recovery is of 50 grams of intoxicant material which on analysis is found to be containing 1.79% of Diphenoxylate Hydrochloride. As per the schedule, the quantity upto 50 grams is non-commercial quantity. Section 2(viia) of the Act has prescribed commercial quantity in relation to Narcotic Drugs and Psychotropic Substances, if the quantity is greater than the quantity specified by the Central Government in the

notification. The quantity more than 50 grams would be a commercial quantity in the given situation.

3. On 28.02.2018, learned counsel for the petitioner was confronted with the list of other cases and he sought time to ascertain the status of those cases.

4. Today, learned counsel for the petitioner states that in all the cases shown in the list, either the petitioner has been acquitted or has undergone the requisite period of sentence. There is no other case pending against the petitioner except the present one.

5. The aforesaid statement of fact has not been denied by learned State counsel on instructions from ASI Palwinder Singh.

6. The quantity is non-commercial in nature and the petitioner is in custody since 20.12.2016 and the case is pending for prosecution evidence.

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

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

23.03.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No