

CRM-M-712-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-712-2018

Date of Decision: 23rd February, 2018

Gurpreet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Navneet Jindal, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.72, dated 18.05.2017, registered at Police Station Ding, under Sections 21-B, 27-A and 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act').

It is the contention of the learned counsel for the petitioner that what has been recovered from the petitioner is a green coloured drug in a yellow packet which on weighing has been found to be of 60 grams. On the basis of the report of Forensic Science Laboratory, counsel contends that the recovered item is acetaminophen which is not covered under the schedule of the NDPS Act. Counsel contends that the recovery which has been effected from the petitioner having not been found to be covered under the schedule of NDPS Act, the petitioner be granted the concession of regular bail as he

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is in custody since 18.05.2017.

Counsel for the State could not dispute the fact that the report of Forensic Science Laboratory indicates that the petitioner was not carrying any Narcotic drug and psychotropic substance as per the schedule.

In the light of the above and keeping in view the fact that the petitioner is in custody since 18.05.2017 and the trial is not likely to conclude soon, the present petition is allowed without expressing any opinion on the merits of the case and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

23rd February, 2018

Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No