

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

**CRM-M No.9932 of 2018
Date of Decision: 27.03.2018**

Gurpreet SinghPetitioner

Vs

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gursimran Singh Bhatia, Advocate
for the petitioner.

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

RAJ MOHAN SINGH, J.

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.7 dated 08.01.2018, registered under Section 20 of the NDPS Act at Police Station Sadar, District Amritsar.

As per allegations in the FIR, petitioner and co-accused were arrested on the basis of suspicion when petitioner, who was driving the motorcycle and on seeing the police party turned back his motorcycle back. The pillion riders came to be known as Pramod Kumar and Jayanti Yadav. Parmod Kumar handed over one polythene bag which he was holding in his right hand to Jayanti Yadav, who tried to throw the same. Sub Inspector

caught his right wrist and the polythene was found to be containing 1 kg. 100 grams of *charas*.

Learned counsel for the petitioner submitted that the alleged recovery was effected from the personal search of co-accused. No recovery was effected from the petitioner. Petitioner is in custody since 08.01.2018. Presentation of challan may take some time. Earlier prayer for grant of bail was declined to the petitioner in view of joint recovery of the contraband from all the three accused person, when they were riding the same motorcycle.

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 slightly more than the quantity prescribed for commercial category.

Learned State counsel opposed the prayer made by the petitioner for grant of regular bail.

At this stage, in the view of debatable ground as the recovered contraband 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 08.01.2018.

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 Chief Judicial Magistrate/Duty Magistrate, Amritsar.

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

March 27, 2018	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No