

225 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-4634-2019 (O&M)

Date of decision:25.02.2019

Feroz Khan

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. Parminder Singh Sekhon, Advocate  
for the petitioner.

Mr. Tanvir Josh, AAG, Punjab.

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**RAJBIR SEHRAWAT, J. (ORAL)**

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.87 dated 16.07.2018 under Sections 22 and 29 of NDPS Act, registered at Police Station Cheema, District Sangrur.

Learned counsel for the petitioner contends that the case against the petitioner is fabricated by the police. It is further contended that even as per the case of the police, the alleged recovery from the petitioner is of 750 tablets of Clovidol-100 SR containing the prohibited substance of 'Tramadol Hydrochloride salt'. However, as per the FSL report, the actual quantity of prohibited substance found in the alleged recovery is only 73 grams, which is less than even the small quantity prescribed for this substance. Learned counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to support his contention. It is further contended that the petitioner is in custody since 09.01.2019 and he is not required for any investigation purpose. Challan has already been filed.

There is no other case against the petitioner. The trial shall take a long time.

On the other hand, learned State counsel submits that there is heavy recovery of 750 tablets of Clovidol-100 SR containing prohibited substance 'Tramadol Hydrochloride salt'. However, it is not denied that there is no other case against the petitioner and that the actual quantity of prohibited substance found in the entire recovery is only 73 grams.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**25.02.2019**  
Hemlata

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|---------------------------|----------|
| Whether speaking/reasoned | Yes / No |
| Whether reportable        | Yes / No |