

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-7437 of 2019

Date of decision : February 21, 2019

Kashmir Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Karanvir Singh Khehar, Advocate
 for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab

ARVIND SINGH SANGWAN, J. (Oral)

Prayer made in the petition is for grant of regular bail to the petitioner in case FIR No.156 dated 10.7.2018 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Patran, Patiala.

Counsel for the petitioner submits that as per the allegations in the FIR, on seeing the police party, the petitioner threw a polythene envelop but was apprehended by the police. Thereafter, the Investigation Officer gave him a notice under Section 50 of the NDPS Act to be searched before a Gazetted Officer or a Magistrate, for which the petitioner gave his consent to be searched by the same Investigating Officer. Counsel for the petitioner submits that as per further allegations in the FIR, 1620 tablets of alprozolam in 162 strips and in each strip there are 10 tablets were recovered and similarly 1540 tablets in 154 strips and in each strip there were 10 tablets each of Tramadol hydrochoride was recovered.

Counsel for the petitioner further submits that as per the FIR, the entire investigation was conducted by the same Investigating Officer and while relying upon the report of FSL, the counsel for the petitioner submits that it will be a debatable issue whether as per the average quantity of parcel A1 and parcel B1, the contraband recovered will fall in commercial quantity or not. He has further argued that the petitioner is in custody since 12.7.2018 and is not involved in any other case, and the conclusion of the trial will take some time.

Learned State counsel, on instructions from HC Jagtar Singh has not disputed the factual position on the basis of the custody certificate dated 21.2.2019 which is filed in the Court. Learned State counsel, however, has stated that the recovery would fall under commercial quantity.

Without commenting on the merits of the case, considering the submissions made by counsel for the petitioner; the petitioner is in custody for the last more than 07 months and not involved in any other case; and the challan is presented but charges are yet to be framed; trial will take some time to conclude, the present petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

February 21, 2019
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