

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

211

**CRM-M No. 7446 of 2019
Date of decision : 4.12.2019**

Tota Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. K.S. Sekhon, Advocate, for the petitioner

Mr. Chetan Sharma, AAG, Haryana

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 266 dated 13.11.2018, registered under Section 22C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act) at Police Station Kalanwali, District Sirsa.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. But even as per the case of the prosecution, recovery from the petitioner is of 400 intoxicant tablets containing tramadol hydrochloride. However, as per the FSL report, the actual quantity of tramadol hydrochloride found in the entire recovery is 100 mg/tablet i.e. total 40 grams, which is much less than the commercial quantity prescribed for the substance under the NDPS Act. The counsel for the petitioner has relied upon the judgment of this Court rendered in **CRM-M-35080 of 2018** - [*Rajvir Singh @ Raju v. State of Punjab*](#), decided on

21.08.2018, to support his contention. It is further contended that the applicant

is in custody since 13.11.2018.

On the other hand, learned counsel for the State, being instructed by the police official, submits that a heavy recovery of prohibited substance was effected from the petitioner. However, the result of the FSL report has not been disputed by the State counsel. It is also not disputed that the petitioner is in custody since 13.11.2018.

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

4.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No