

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

CRM-M-7934-2019

Date of decision: 28.2.2019

Jaspal Rura

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in respect of FIR No.61 dated 28.03.2018 registered at Police Station Sadar Patiala, District Patiala under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It is the case of prosecution that petitioner-Jaspal Rura was apprehended along with Dheeraj Kumar @ Mani while they were going on motorcycle and their personal search yielded recovery of 700 tablets from each of the said accused apart from another 100 tablets of Tramadol Hydrochloride, which were recovered from co-accused Dheeraj Kumar.

Having heard learned counsel for the petitioner and also learned State counsel.

As regards the recovery of 700 tablets from each of the

accused is concerned, as per report of Forensic Science Laboratory the weight of 700 tablets of Diphenoxylate Hydrochloride works out to 44 grams approximately (63 mg X 700).

The aforesaid recovered contraband i.e. 44 grams from each of the accused would fall within intermediate quantity i.e. less than 'commercial quantity'. It would be certainly debatable as to whether each of the two accused can be attributed conscious possession of 700 tablets of Diphenoxylate Hydrochloride carried by co-accused. Bearing in mind the fact that the petitioner has been in custody since the last eleven months, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Jaspal Rura is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

28.2.2019
kamal

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**