

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-8848 of 2019
Date of Decision: April 29, 2019.

Amandeep Singh @ Amana and anotherPetitioners
versus
State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE RAJBIR SEHRAWAT.

Present: Mr.Parminder Singh Sekhon, Advocate, for the petitioners.
Mr.Prabhjot Singh Walia, AAG, Punjab.

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Rajbir Sehrawat, J. (Oral)

Present petition has been filed for seeking bail pending trial in FIR No.81 dated 02.08.2018 for the offences punishable under Section 22 of the NDPS Act, 1985, Police Station Longowal, District Sangrur.

Learned counsel for the petitioners contends that the case against the petitioners is totally concocted. Even as per the allegations, the alleged recovery from the petitioners is 1970 intoxicant tablets containing prohibited substance. However, FSL report found that the actual contents of the alleged recovery of prohibited substance is 196 grams. Accordingly, the charges framed against the petitioners are for possession of non-commercial quantity of prohibited substances. It is the further case of the petitioners that they are in custody since 05.08.2018 and there is no other case under the NDPS Act pending against them. Since the charges have already been framed, therefore, petitioners are not required for any interrogation purpose.

On the other hand, learned State counsel, on instructions from

ASI Jasvir Singh, submits that huge recovery of 1970 intoxicant tablets has

been effected. However, it is not disputed that the actual quantity of prohibited substances is 196 grams and that the petitioners are being prosecuted only for non-commercial quantity of prohibited substances in their possession. It is also not disputed that there is no other case under the NDPS Act pending against the petitioners.

In view of the above but without commenting on the merits of the case, the present petition is allowed. The petitioners are granted the concession of bail pending trial. They be released on bail pending trial subject to their furnishing bail bonds/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

April 29, 2019

mohinder

(RAJBIR SEHRAWAT)

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No