

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

208

CRM-M-10348 of 2019

Date of decision: 12.03.2019

Raghav Kakkar @ Raghu

..Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Amit Kumar, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

HARINDER SINGH SIDHU, J.(ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.99, dated 13.04.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Tarn Taran, District Tarn Taran.

The allegations in the FIR are that 20 strips each containing 15/15 tablets making total of 300 tablets of Alpra Fresh . 50 and further 2000 loose intoxicant tablets without label were recovered from the petitioner.

As per the report of the Regional Testing Forensic Science Laboratory, Amritsar, Punjab (Annexure P-3) the average weight of Alpra Fresh tablet was 117 mg per tablet. The total recovery thereby 35.1 gm which is admittedly non-commercial.

The loose tablets were found to contain Tramadol

Hydrochloride.

Learned counsel states that on the date of recovery i.e. 13.04.2018 Tramadol Hydrochloride did not fall under the schedule of the NDPS Act. It was included in the schedule after that vide notification No. S.O. 1761 (E) dated 26.04.2018. As such the recovery of the loose tablet has to be ignored.

The trial has commenced. Charges have been framed.

Considering the overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. The petitioner-Raghav Kakkar @ Raghu is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

March 12, 2019

Poonam Sharma

**(HARINDER SINGH SIDHU)
JUDGE**

Whether speaking/reasoned:Yes/No

Whether Reportable:Yes/No