

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

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CRM-M-14715-2019

DATE OF DECISION: 05.09.2019

TARLOK SINGH @ TARLOKA

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. K.K. Bheniwala, Addl. A.G., Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.09 dated 11.01.2018, under Sections 15, 22, 61 and 85 of the NDPS Act, registered at Police Station Talwandi Chaudhrian, District Kapurthala.

Learned counsel for the petitioner contends that the allegations in the FIR against the petitioner are that 102.95 grams of alprazolam was recovered from the petitioner which is marginally above the threshold of 100 grams as commercial quantity. The recovery of 300 grams of poppy husk is even below the small quantity in the Schedule to the NDPS Act. The petitioner is in custody for over 9 months and he is not involved in any other case. He has also relied upon judgments of Coordinate Benches of this Court in the cases of Vadhawa Ram Vs. State of Punjab, CRM No. M-24344 of 2014, decided on 22.08.2014 and Kamlesh Vs. State of Punjab, CRM No. M-14029 of 2015, decided on

2 kg. and 600 grams of Opium and as the quantity was marginally higher than the commercial quantity of 2 kg. 500 grams, they were granted regular bail after they had put in 05 months and 09 months in custody respectively.

Learned State counsel, upon instructions from HC Harwinder Singh, states that the charges have been framed but no evidence has been examined.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the quantity of contraband recovered from him is marginally higher than threshold of commercial quantity, he is in custody for over 9 months, he is not involved in any other case and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition stands disposed of.

05.09.2019

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No