

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

**C.R.M-M No.15487 of 2019
Date of Decision : 09.04.2019**

Satish Kumar @ Tony

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. J.S. Thakur, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

AJAY TEWARI, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No.19 dated 26.01.2019 registered under Sections 22 of the NDPS Act, at Police Station Adampur, District Jalandhar Rural on the ground that he has been in custody since 26.01.2019 and till date the FSL report has not come to certify that the alleged recovery is either a narcotic drug or not.

As per the learned counsel for the petitioner, in cases of recovery of easily identifiable drugs like opium, ganja or charas or manufactured drugs which are labelled, a bare look may enable a reasonable identification but where the identity is in doubt it is most unfair to keep the person in custody indefinitely without even there being any evidence as to what the recovered material is.

Learned Deputy Advocate General on instructions from S.I.

that the petitioner has been in custody since 26.01.2019.

In my opinion, in the absence of the FSL report it cannot be fair to keep the petitioner in custody indefinitely. Resultantly, the petition is disposed of and the concerned Chief Judicial Magistrate/Illaq Magistrate is directed to release the petitioner on interim bail to its satisfaction till the receipt of the FSL report and thereafter the trial Court to decide the application for bail on merits.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

April 09, 2019
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No