

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-18136 of 2019

Date of Decision: April 29, 2019.

Sukhwinder Singh alias Shambhu

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJBIR SEHRAWAT.

Present: Mr.Mandeep Kumar Dhot, Advocate, for the petitioner.
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.142 dated 05.08.2018 for the offences punishable under Section 22 of the NDPS Act, 1985 and 483 of IPC, Police Station Lehra, District Sangrur.

Learned counsel for the petitioner contends that even if the case of the prosecution is taken on its face value then also the alleged recovery from the petitioner is of 1100 tablets containing prohibited substance Tramadol and 170 Tablets containing prohibited substance Alprazolam. However, as per the FSL report, total quantity of the prohibited substance Tramadol found in 1100 tablets is 107 grams, which is less than the commercial quantity. At the same time, actual quantity of the prohibited substance Alprazolam is only 273 mg., which is less than even the small quantity prescribed for this substance. Learned counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in the case of ***Rajvir @ Raju v. State of Punjab*** in CRM-M-35080 of 2018 to support his contention. It is further submitted that no other case under the

NDPS Act pending against the petitioner. In this case also, earlier the petitioner was granted interim bail on 12.09.2019 to await the FSL report. However, after receipt of FSL report, the petitioner was taken into custody again on 16.02.2019 and since then he is in custody. It is further submitted that since charges have been framed, therefore, the petitioner is not required for any interrogation purpose.

On the other hand, learned State counsel, on instructions from ASI Mukhtiar Singh, submits that the petitioner has been found in possession of two different prohibited substances, alongwith using the vehicle with fake registration number. It is further submitted that even the recovery is of huge quantity of prohibited substances. However, it is not disputed that as per the FSL report, the quantity of the prohibited substance Tramadol is less than the commercial quantity and the quantity of Alprazolam found by the FSL is less than even the small quantity of the prohibited substance. It is not disputed that no other case under the NDPS Act is pending against the petitioner and that charges have already been framed.

In view of the above facts and circumstances, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

April 29, 2019

mohinder

(RAJBIR SEHRAWAT)

JUDGE

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