

S.No.216

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

CRM-M-19251 of 2019 (O&M)

Date of Decision:27.08.2019

Ahmad Ali

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. B.S. Bhalla, Advocate
for the petitioner.

Ms. Amarjeet Kaur Khurana, DAG,
Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner for grant of bail pending trial in case FIR No.24 dated 08.02.2019 registered under Section 22 of NDPS Act at Police Station City Moga.

It is contended by counsel for the petitioner that the petitioner is an employee of licensed Chemist. The case against the petitioner is totally concocted. In fact, the petitioner was picked up from the shop only and, thereafter, the case has been concocted against the petitioner. Still further, it is submitted that even as per the case of the Police, the total recovery from the petitioner is 25 bottles of Onrex and 100 tablets of Tremadol. But as per the FSL report, the total quantity of prohibited substance found in the bottles recovered from the petitioner is 4.416 grams and the prohibited substance found in the tablet comes to only 4.2 grams. The quantities of the respective prohibited substances found in the alleged recovery is much less than the commercial quantity. Counsel has relied upon a judgment of this Court in **CRM-M-35080 of 2018 – Rajvir Singh**

@ Raju v. State of Punjab decided on 21.08.2018, to support his

contention. It is further submitted that the petitioner is in custody since 08.02.2019. There is no other case against the petitioner. Challan has already been filed. The petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel, being instructed by HC Gurdev Singh, submits that there has been huge recovery of the contraband material from the petitioner. However, counsel has not disputed the FSL report, according to which the actual quantity of prohibited substance comes even less than the small quantity prescribed for the respective substances. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

August 27, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No