

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

CRM No.M-41354 of 2018 (O&M)

Date of Decision: January 11, 2019

Harjinder Singh @ Kala

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.P.Dhir, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.64 dated 08.07.2018 under Section 22 of the NDPS Act, registered at Police Station Mahilpur, District Hoshiarpur.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per allegations in the FIR, 110 grams of intoxicant powder containing Alprazolam has been recovered. I have gone through the police record. From the record, it looks that intoxicant powder has been weighed with the plastic envelop. In the FIR, it is mentioned that this intoxicant

powder along with plastic envelop was put in a plastic tin, which shows that weight of the plastic envelop was also there. Therefore, it is debatable whether the recovery falls under commercial quantity or non-commercial quantity. If the weight of the plastic envelop is deducted, then, it looks that the recovery will fall under non-commercial quantity.

The petitioner has been in custody since 08.07.2018. He is not required for custodial interrogation as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

January 11, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No