

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

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CRM-M-44753-2018 (O&M)

Date of decision : 26.11.2019

Gurwinder Singh @ Dimple

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. D.N. Ganeriwala, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.66 dated 03.04.2018, under Section 22 of the NDPS Act, registered at Police Station Chheharta, District Amritsar.

Learned counsel for the petitioner contends that the allegations in the FIR against the petitioner are that 1000 tablets of alprazolam with a total weight of 153 grams were recovered from the petitioner which is above the threshold of commercial quantity. 12100 tablets of Tramadol which are also alleged to have been recovered from the petitioner would not fall under the NDPS Act as the recovery has been effected on 03.04.2018 and notification of the Central Government including Tramadol in the NDPS Act was issued on 26.04.2018. He also contends that the petitioner is in custody for over one year and eight months and he is not involved in any other case under the NDPS Act. He has also relied upon the judgment of the Coordinate Bench of this Court in the case of **Gagandeep Singh @ Gagan Vs. State of Punjab** in CRM-M-29059-2018 decided on 14.11.2018 wherein recovery of Alprazolam was about 200 grams and the petitioner therein had been granted regular bail after 1 year and 4 months.

Learned State counsel, upon instructions from ASI Jaspal Singh, states that although charges have been framed but none of the prosecution witnesses has been examined and the petitioner is not involved in any other case under the NDPS Act.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the petitioner is in custody for over one year and eight months, he is not involved in any other case under the NDPS Act, the judgement of the Coordinate Bench of this Court 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.

(ANUPINDER SINGH GREWAL)
JUDGE

November 26, 2019

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