

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-27853-2019(O&M)
Date of decision : 03.09.2019

SUDESH KUMAR

.....Petitioner

versus

STATE OF UT, CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish K. Gupta, Advocate, for the petitioner.
Mr. Rajeev Anand, Advocate, for UT Chandigarh

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of regular bail in FIR No.84, dated 22.03.2019, registered under Section 22 of the NDPS Act, at Police Station Industrial Area, Chandigarh.

As per the case of the prosecution, petitioner was found in possession of 150 capsules of Tramadol Hydrochloride Dicyclomine Hydrochloride Acetamenophen.

Learned counsel for the petitioner contends that if total weight of the aforesaid capsules is calculated, it comes to 75.09 gms. which does not fall in commercial quantity. He further submits that excluding the neutral substances, if the contents of only prohibited substances are taken into consideration, then total prohibited substance would come to 5.06 gms.

Learned counsel for the respondent, on the other hand, submits that the petitioner earlier also convicted under the NDPS Act vide judgment dated 23.07.2015 and sentenced for a period of 2 years against which the appeal is pending and the petitioner was released on bail.

The aforesaid appeal is pending and conviction of the petitioner is subject to the decision in the appeal.

In the present case, petitioner has already undergone incarceration for a period of more than 5 months. The recovery from the petitioner even after taking the entire powder comes to 75.09 gms. which falls in non-commercial quantity.

Investigations are complete and the challan has been filed.

Without commenting on the merits of the case and keeping in view the fact that the petitioner has already undergone incarceration for a period of more than 5 months and the trial of the case is likely to take a long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly the petition is allowed with the aforesaid directions.

September 03, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No