

CRM-M-51182-2018

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

CRM-M-51182-2018

Date of Decision:21.08.2019

Lakhwinder Singh @ Lakha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Thakur, Advocate,
for the petitioner.

Mr. Sidakmeet S. Sandhu, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in a case FIR No.11 dated 19.07.2018, registered at Police Station Patara, District Jalandhar, under Section 22 of the NDPS Act, 1985.

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

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

From the record, I find that as per the case of prosecution, 52 grams of intoxicant powder containing the salt of 'Diphenoxylate

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Hydrochloride', has been recovered from the present petitioner. More than 50 grams of the aforesaid salt falls in commercial quantity. Though in the present case, it is mentioned that the intoxicant powder was weighed on electronic scale but nothing has been mentioned as to whether plastic envelope was also weighed with the intoxicant powder or not. There are no such details and only one gram is stated to be more than commercial quantity. There is every possibility that recovery may fall in non-commercial quantity.

The petitioner is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of case may take a long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the above facts; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of Rs.40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

21.08.2019

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No