

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

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**CRM-M No. 24027 of 2019
Date of decision : 16.12.2019**

Kesar Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Nveen Sharma, Advocate, for the petitioner
Ms. Amarjit Kaur Khurana, DAG, Punjab

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 49 dated 19.3.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act), Police Station Sangat, District Bathinda.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. But even as per the case of the prosecution, recovery from the petitioner is of 1500 tablets of clovidol 100 SR containing tramadol. However, as per the FSL report, the actual quantity of tramadol found is 96.9 mg/tablet, which come to about 144 grams in the entire recovery, which is less than the commercial quantity prescribed for the substance under the NDPS Act. The counsel for the petitioner has relied upon the judgment of this Court rendered 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 contended that the applicant is in custody since 19.3.2019. Challan has already been filed. There is no other case against the petitioner. Hence, the

petitioner is not required for further investigation purpose.

On the other hand, learned counsel for the State, being instructed by the police official, submits that a heavy recovery of prohibited substance was effected from the petitioner. However, the result of the FSL report has not been disputed by the State counsel. It is also not disputed that the petitioner is in custody since 19.3.2019. It is also not disputed that the challan has already been filed and that there is no other case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

16.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No