

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

**CRM-M-53107-2018
Date of decision: 03.04.2019**

Dalip**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 161 dated 16.07.2018, registered under Section 22 of the NDPS Act, 1985 at Police Station Kotwali Bathinda, District Bathinda.

Learned counsel for the petitioner submits that as per the allegations in the FIR, complainant/ASI Jaskaran Singh apprehended two persons, i.e. the petitioner and co-accused Mohd. Ashfaq, and after giving a notice, when the reposed confidence in ASI Jaskaran Singh, the search of the accused persons was conducted and recovery of 130 strips of Carisoprodol (Carisoma), each strip containing 10 tablets, was effected from the petitioner, whereas from co-accused Mohd. Ashfaq, recovery of 130 vials of ONEREC 100-100 ML was effected.

Learned counsel for the petitioner further submits that the petitioner is a first offender and he is not involved in any other case and he is in custody since 18.07.2018 though the tablets, recovered from the

petitioner, do not fall under the NPDS Act.

Learned State counsel, on instructions from HC Gurcharan Singh, has not disputed the fact that the tablets, recovered from the petitioner, do not fall under the NDPS Act, however, further submitted that recovery effected from co-accused Mohd. Ashfaq falls under the NDPS Act and since both the accused persons were found together, charges have been framed under the NDPS Act.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions made by learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

03.04.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No