

CRM-M-26549-2019 (O&M)

Date of decision:04.07.2019

Sandeep Kumar @ Bablu

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, 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.174 dated 17.11.2016 registered under Section 22 of NDPS Act, at Police Station Mehtiana, District Hoshiarpur.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the alleged recovery from the petitioner is of 110 grams of powder containing intoxicant. The prohibited substance, Amphetamine hydrochloride, has been found in the powder. But the actual quantity of the prohibited substance found in the entire recovery is only 3.42%, which comes out to be less than the commercial quantity of this prohibited substance as prescribed under the Act in the entire recovery. Counsel for the petitioner has relied upon **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 in this very case, earlier the petitioner was released on interim bail awaiting the FSL report, however, on receipt of the

continuous custody since then. Still further, it is submitted that while on interim bail, the petitioner had not misused the concession of interim bail in any manner whatsoever. It is also submitted that besides the present one, there is no other case against the petitioner under NDPS Act.

On the other hand, learned State counsel submits that there is a huge recovery of 110 grams of intoxicant powder from the petitioner. Still further, it is submitted that the petitioner was convicted in one more case under Excise Act. However, it is not disputed that as per the FSL report, the actual quantity of prohibited substance found in the entire recovery is less than the commercial quantity prescribed for this prohibited substance under the Act. It is also not disputed that the petitioner is in continuous custody since 27.11.2018; after availing the interim bail earlier.

In response to the submissions made by learned counsel for the State, learned counsel for the petitioner submits that so far as the other case is concerned, the petitioner has already completed the sentence. Therefore, as of today, there is no other case against the petitioner; except the present one.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

04.07.2019
Hemlata

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