

S.No.221

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

CRM-M-27008 of 2019 (O&M)

Date of Decision:09.07.2019

Jagsir Singh @ Babbu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amit Kumar Walia, Advocate
for the petitioner.

Mr. K.S. Aulakh, 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.81 dated 02.08.2018 registered under Section 22 of NDPS Act at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. Even as per the allegations, the alleged recovery from the petitioner is 1970 intoxicant tablets containing prohibited substance. However, FSL report found that the actual contents of the alleged recovery of prohibited substance is 196 grams. Accordingly, the charges framed against the petitioner are for possession of non-commercial quantity of prohibited substances. It is the further case of the petitioner that he is in custody since 02.08.2018 and there is no other case under the NDPS Act pending against him. Since the charges have already been framed, therefore, petitioner is not required for any interrogation purpose.

On the other hand, learned State Counsel, submits that huge recovery of 1970 intoxicant tablets has been effected. However, it is not

disputed that the actual quantity of prohibited substances is 196 grams and that the petitioner is being prosecuted only for non-commercial quantity of prohibited substance in his possession. It is also not disputed that there is no other case under the NDPS Act pending against the petitioner.

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.

July 09, 2019

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(RAJBIR SEHRAWAT)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No