

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-32957 of 2019 (O&M)

Date of decision: 14.08.2019

Debi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None for the petitioner.

ASI Sukhdev Singh.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to grant regular bail in FIR No.48 dated 04.05.2018 under Section 22 of the Narcotic Drgus and Psychotropic Substances Act, 1985 , Police Station Koom Kalan, District Ludhiana.

As per the case of the prosecution, 170 gram intoxicant powder which was later on found to be Alprazolam was recovered from the possession of the petitioner.

As per the report of Forensic Science Laboratory produced by ASI Sukhdev Singh, Investigating Officer, it was found to contain Alprazolam 0.12%. The petitioner is in custody since 04.05.2018. The challan has been presented and the charges have been framed. The case is fixed for prosecution evidence, however, none of the witness has been examined.

As per the Investigating Officer, the petitioner is not involved in any other case. It is debatable whether the quantity allegedly recovered

from the possession of the petitioner is commercial or not. It is debatable if the actual contents of the narcotic recovered are to be taken into consideration or the entire quantity including neutral substance is also to be taken into consideration for calculating the commercial quantity of the material recovered. The aforesaid issue is pending adjudication before the Larger Bench of the Hon'ble Supreme Court in Hira Singh Vs. Union of India, 2017(3) RCR (Criminal) 633.

Hence, without commenting on the merits of the case and keeping in view the fact that the trial of the case is likely to take a long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate personal/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

Accordingly, the present petition is allowed.

14.08.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No