

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33278-2019

Date of Decision: 18.10.2019

Yadwinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Bhoop Singh, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner relies upon an order of the Supreme Court dated 11.07.2019, passed in SLP (Criminal) Diary No. 7341 of 2019, titled as **Rajeev** vs. **The State of Kerala**, to submit that whether the entire quantity of the material seized from a person is to be taken into consideration as the quantity of the contraband contained in it, or it is only the contraband therein that is to be seen, was a matter referred to a larger bench, with the judgment therein reserved, on the basis of which, in the aforesaid case of Rajeev, the Supreme Court admitted the petitioner therein to bail and directed that the petition/appeal be put up after the decision by the three Judge Bench was pronounced.

In the present case, he submits that the quantity of the drug stated to have been recovered from the petitioner being 125 grams of intoxicant powder, with Alprazolam being the contraband contained in it, which is stated to be 0.17% for 05 grams and with the petitioner already having been in custody for 06 months,

and 09 prosecution witnesses still remaining to be examined, he deserves the concession of bail.

It is not denied by learned State counsel, on query, that only 05 grams of loose powder stated to have been recovered from the petitioner was sent for analysis.

That being so, without making any comment on the actual merits of the case for or against the petitioner, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court.

October 18, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes