

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

CRM-M No.36894 of 2019 (O&M)
DATE OF DECISION : 18th NOVEMBER, 2019

Gopi Singh @ Gopi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Gursimran Singh Bawa, Advocate for the petitioner.

Mrs. Amarjit Kaur Khurana, DAG, Punjab.

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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.30 dated 13.02.2015 registered under Sections 21 & 22 of Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station Chheharta, District Amritsar City.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. It is further submitted that even as per the case of the prosecution, the alleged recovery from the petitioner is of 110 grams of intoxicant powder, containing prohibited substance Alprozolam. It is submitted that as per the report of FSL, total quantity of the prohibited substance Alprazolam found in the entire recovery is only 0.38 %, which is less than even the small quantity prescribed for the substance. Learned counsel for the petitioner has placed reliance on judgment of this court passed in *CRM-M-35080 of*

2018 – Rajvir Singh @ Raju v. State of Punjab decided on 21.08.2018, to support his contention. It is further submitted that there is no other case against the petitioner. The petitioner is in custody for 7 months and 26 days. It is further submitted that charge has been framed and the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, submits that the petitioner has been found in possession of 110 grams of intoxicant powder containing Alprazolam. Therefore, a huge recovery of prohibited substance has been made from him. However, it is not disputed that as per the FSL report total quantity of prohibited substance found in the entire recovery is 0.38%. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting 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.

18TH NOVEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>