

S.No.221

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

CRM-M-40403 of 2019 (O&M)

Date of Decision:26.11.2019

Sikander alias Kalu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.
Mr. Harbir Sandhu, AAG, 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.119 dated 10.08.2016 registered under Section 22 of NDPS Act at Police Station Division No.6, Industrial Area, District Ludhiana.

Learned counsel for the petitioner contends 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 300 grams of intoxicant powder. So far as the recovery of 300 grams of intoxicant powder is concerned, it is contended by the counsel for the petitioner that as per the FSL report, the actual quantity of the prohibited substance dyphenoxylate found in the entire recovery is 1.21% which is much less than the commercial quantity.

Learned counsel for the petitioner has relied upon the judgment of this Court 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 the petitioner is in custody in this case since 10.08.2016 and that there is no other case against the petitioner.

On the other hand, learned State Counsel submits that there has been a heavy recovery from the petitioner. However, it is not disputed that as per the FSL report, the total quantity of prohibited substance found in the entire recovery is less than the commercial quantity. It is also not disputed that there is no other case 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.

November 26, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No