

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

**CRM-M No.45647 of 2019 (O&M)**  
**DATE OF DECISION : 2<sup>nd</sup> DECEMBER, 2019**

**Gurcharan Singh**

**.... Petitioner**

**Versus**

**State of Punjab**

**.... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

\* \* \* \*

Present : Mr. Narinder Sharma, 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.163 dated 21.08.2019 registered under Section 22 of Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station Samana, District Patiala.

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 300 tablets of Clovidol 100 SR and 840 Tablets of Aprasafe-0.5, containing prohibited substance Tramadol Hydrochloride and Alprazolam, respectively. It is further submitted that as per the report of FSL, the quantity of the prohibited substance Tramadol Hydrochloride found in the recovery is only 99.08mg/tablet. Still further it is submitted that the actual quantity of prohibited substance in Tablets of Alprasafe is 0.49mg/tablet of Alprazolam. The aforesaid quantity of prohibited substance Tramadol and Alprazolam, is less than even the

small quantity prescribed for the substances in the Act. 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. The petitioner is in custody since 21.08.2019.

On the other hand, learned counsel for the State, on instructions, submits that the petitioner has been found in possession of 300 tablets of Clovidol 100 SR and 840 Tablets of Aprasafe-0.5. Therefore, a huge recovery of prohibited substance has been made from him. However, the FSL report as well as the custody period has not been disputed by the counsel for the State.

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.

**2<sup>nd</sup> DECEMBER, 2019**  
*‘raj’*

**(RAJBIR SEHRAWAT)**  
**JUDGE**

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