

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.47493 of 2019
DATE OF DECISION : 7th DECEMBER, 2019

Pala Singh @ Pali

.... **Petitioner**

Versus

State of Punjab

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. R. S. Dhillon, 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.167 dated 10.07.2019 registered under Section 22 of Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar Fazilka, District Fazilka.

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 1,000 tablets of Alpranof 0.5, containing prohibited substance Alprozolam IP 0.5mg. It is further submitted that as per the report of FSL, the quantity of the prohibited substance Alprazolam found in the recovery is only 0.48/tablet, 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 since 10.07.2019. It is further submitted that challan has been filed and the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Gurmail Singh, submits that the petitioner has been found in possession of 1,000 tablets of Alpranof, 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 recovery is 0.48mg/tablet. 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.

7th DECEMBER, 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>