

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62122-2018 (O&M)

Date of decision:11.01.2019

Naginder Verma @ Nanoo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Onkar Rai, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

CRM-45572-2018

Application is allowed as prayed for.

CRM-M-62122-2018

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.59 dated 03.10.2018 under Section 22 of NDPS Act, registered at Police Station Rawalpindi (Phagwara), District Kapurthala.

Learned counsel for the petitioner contends that even as per the allegation of the prosecution, the alleged recovery from the petitioner is of 2000 capsules of *tramadol*. However, as per the FSL report, the actual quantity of prohibited substance in the entire recovery is only 197.2 grams, which is less than the commercial quantity prescribed for the substance. Learned counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to support his contention. It is further contended that the petitioner is in custody since 03.10.2018 and there is no other case against him. The case has been concocted by the police for oblique

reasons. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by SI Bharat Bhushan, submits that recovery from the petitioner is very heavy. However, it is not disputed that the actual quantity of prohibited substance in the entire recovery is less than commercial quantity. It is also not disputed that there is no other case against the petitioner.

In view the above submissions made by counsel for the petitioner, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

11.01.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No