

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

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**CRM-M No. 49421 of 2019
Date of decision : 13.12.2019**

Bajrang Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. J.S. Dhaliwal, 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. 83 dated 9.7.2019, registered under Sections 22/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act), Police Station Bahav Wala, District Fazilka.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. But even as per the case of the prosecution, recovery from the petitioner is of 750 tablets of TRIO-SR containing tramadol hydrochloride and 900 tablets of Lomotil. However, as per the FSL report, the actual quantity of tramadol found in the 750 tablets of TRIO-SR is 99.27 mg/tablet and Diphenoxylate hydrochloride found in the 900 tablets of Lomotil is 2.47 mg/tablet, which is less than even the small quantity prescribed for the respective substances under the NDPS Act. The counsel for the petitioner has relied upon the judgment of this Court rendered 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 contended that the applicant

is in custody since 9.7.2019 and there is no other case against the petitioner.

On the other hand, learned counsel for the State, being instructed by the police official, submits that a heavy recovery of prohibited substance was effected from the petitioner. However, the result of the FSL report has not been disputed by the State counsel. It is also not disputed that the petitioner is in custody since 9.7.2019 and that there is no other case against the petitioner.

In view the above, 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

13.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No