

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49261-2019 (O&M)
Date of decision: 27.11.2019

Vijay Pal and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bijender Dhankhar, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.253 dated 04.09.2019 under Sections 22/61/85 of NDPS Act, registered at Police Station Sadar Dabwali, District Sirsa.

Learned counsel for the petitioners submits that as per allegations in the FIR, the police apprehended two persons riding on a motorcycle, who tried to run away. Later on, they informed the Investigating Officer that they are carrying tramadol tablets in white polythene bag. On checking the same, 25 strips, containing 10 tablets of tramadol hydrochloride each, were found and the same were recovered by the Investigating Officer. It is further submitted that recovery was effected from personal search of the petitioners and therefore, it will be a debatable issue whether the provisions of Section 50 of NDPS Act were required to be followed or not. Learned counsel further submits that

challan has been presented under Section 22 of NDPS Act and the weightage of total tablets, as per the inventory, comes to 204 gms and the same is less than commercial quantity.

Learned counsel for the petitioners has further submitted that an application was moved before the trial Court under Section 167 (2) Cr.P.C., as the report under Section 173 Cr.P.C. was submitted without FSL report and therefore, it was also prayed before the trial Court that default bail be granted to the petitioners for filing incomplete challan.

Learned State counsel has filed the custody certificate dated 25.11.2019 in the Court today and as per the custody certificate, the petitioners are not involved in any other case.

Without commenting anything on merits of the case, considering the fact that recovery from the petitioners is of non-commercial quantity and they are not involved in any other case, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.11.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No