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

**CRM-M No.18910 of 2020
Date of Decision: 25.08.2020**

MANISH KUMAR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Monika Jangra, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.89 dated 11.02.2020, registered under Section 21(B), 21(C), 22(B), 22(C) of the NDPS Act at P.S. Assandh, District Karnal.

As per prosecution version 113.4 gram of Alprazolam tablets along with 35.6 grams of Tramadol capsules were allegedly recovered from the petitioner.

Learned counsel for the petitioner submitted that as per

Entry No.178 of Notification dated 19.10.2001, the quantity of Alprazolam is marginally in excess of commercial quantity prescribed under the notification. 35.6 grams of Tramadol cannot be termed as commercial in nature. The contraband finds mentioned at Entry No.238 ZH in the Notification dated 26.04.2018. 250 grams of Tramadol is the commercial quantity prescribed under the aforesaid notification.

Learned counsel has placed reliance upon CRM-M No.2542 of 2019 titled '*Hari Singh vs. State of Haryana*' decided on 15.07.2019 and CRM-M No.18283 of 2018 titled '*Barjinder Singh vs. State of Punjab*' decided on 07.05.2018.

Learned counsel also by relying upon **Shinda vs. State of Punjab, 2013(3) R.C.R. (Criminal) 557** and **Lakhwinder Singh @ Bittu vs. State of Punjab, 2012(22) R.C.R. (Criminal) 301** submitted that the recovery of Alprazolam is marginally higher than the commercial quantity.

Per contra, learned State counsel on instructions from ASI Samant Singh submitted that the challan has been presented, but charges have not been framed so far.

Having heard, learned counsel for the parties and keeping in view the quantity of contraband recovered from the petitioner, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

August 25, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No