

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36276-2019
Date of Decision: 06.02.2020

Bharat Bhushan

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gauravdeep Singh Dhaliwal, Advocate for
Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

Ms. Jasleen Kaur, AAG, Punjab assisted by
ASI Surinder Pal.

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VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No. 96 dated 03.08.2019 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Jalandhar, District Police Commissionerate, Jalandhar.

Briefly, the FIR has been registered on the allegations that 8 strips of Parvorin Spas containing 10 capsules each, 5 strips of Alprazolam each containing 10 tablets have been recovered from the possession of the accused.

It has been stated that Tramadol and Alprazolam has been found in the contents of the aforesaid intoxicating substance recovered from the petitioner.

Learned State counsel has worked out the quantity of

Tramadol and Alprazolam on the basis of the report of FSL and has

conceded that the same is less than the commercial quantity.

The arrest of the petitioner was effected on 03.08.2019. Subsequently, in terms of the order dated 5.9.2019 he was ordered to be released on interim bail as report of FSL had not been received. Investigation of the case is stated to be complete and the challan has already been presented in the Court.

The quantity of contraband recovered in the instant case falls in the category of less than commercial quantity and as such, stringent provisions of section 37 of NDPS Act do not come into play.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate within a reasonable time that may be granted by the concerned Court.

The petition is allowed.

06.02.2020

Janki

**(VIVEK PURI)
JUDGE**

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