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

**CRM-M No.40017 of 2019(O&M)
Date of Decision: 04.11.2020**

Vishal @ Ashu and another

.....Petitioners

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vipin Mahajan, Advocate and
Mr. G.S. Simble, Advocate
for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0076 dated 14.06.2019 registered under Section 22 of the NDPS Act at Police Station Karatarpur, Police District Jalandhar Rural, District Jalandhar.

As per allegations in the FIR, 450 capsules each of marka Ridley were recovered from two plastic bags which were thrown by the petitioners on seeing the police party. 450 capsules were recovered from Vishal @ Ashu. On being

subjected to FSL, the average weight of per capsule was found to be 579 mg. On conversion, total weight of the contraband was found to be 260.55 grams. Similarly, 450 capsules were recovered from petitioner No.2 and the average weight of per capsule was found to be 576 mg. On conversion, total weight of the contraband was found to be 259.2 grams. Tramadol Hydrochloride was detected in the contraband as per FSL report. Upto 250 grams, the contraband is non-commercial in nature.

Learned counsel for the petitioners relies upon **Shinda Vs. State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu Vs. State of Punjab, 2012(22) RCR (Criminal) 301** and submits that the alleged recovery was slightly more than the quantity prescribed for commercial quantity. Petitioners are in custody since 14.06.2019.

On the other hand, learned State counsel submits that the recovered contraband would fall under commercial quantity. Out of total 10 prosecution witnesses, one witness has been examined.

The complicity of the petitioner would remain debatable.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without

adverting to the merits of the case, I deem it appropriate to enlarge the petitioners on regular bail.

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

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

04.11.2020

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No