

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

**CRM-M No.43078 of 2019 (O&M)**

**Decided on: 07.01.2020**

Laddi

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. Kamal Narula, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

**ARVIND SINGH SANGWAN, J. (Oral)**

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.161 dated 21.08.2019, for offence punishable under Section 22/61/85 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Guruharsahai, District Ferozepur.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the police, on receiving a secret information that the petitioner is involved in the business of selling intoxicant tablets and powder and is going towards the Grain Market, sent a ruqa to the Police Station for registration of the case and thereafter, the petitioner was apprehended and 50 gms. of intoxicant powder was recovered, which was found to be Alprazolam as per the FSL report.

Counsel for the petitioner has further argued that the

petitioner is in custody since 22.08.2019 and is not involved in any other case and the recovery is of non-commercial quantity.

Counsel for the State has filed the Custody Certificate today in the Court and has not disputed the factual position that the recovery is of non-commercial quantity and the petitioner is not involved in any other case. Counsel for the State, on instructions from ASI Manjit Singh, has further argued that though the investigation is complete, however, the challan is yet to be presented before the trial Court.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; the challan is yet to be presented before the trial Court; the recovery effected from the petitioner is of non-commercial quantity; he is in custody since 22.08.2019 and the conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)  
JUDGE

07.01.2020  
yakub

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