

212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-44873-2019
Date of Decision: 24.01.2020

Kala ... Petitioner
vs.
State of Punjab .. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. D.S.Sandhu, Advocate, for the petitioner.

Mr. R.S.Thind, DAG, Punjab.

VIVEK PURI, J.(ORAL)

In the instant case, the petitioner is seeking regular bail in case FIR No. 15 dated 01.03.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bilga, District Jalandhar.

As per the version of the prosecution, 750 tablet of calvidol containing tramadol hydrochloride and 330 tablets of altis containing alprazolam have been recovered.

It has not been disputed that the quantity of alprazolam falls under the ambit of non-commercial quantity. However, the total weight of the tablets containing tramadol is to the extent of 268.5 grams which is marginally above the commercial quantity.

Reliance has been placed upon the judgments of this Court in ***CRM-M-37253 of 2016 (Festus Ugochukwu Vs. State of Punjab) decided on 07.12.2016*** and ***CRM-M-40876-2017 (Vishal Shah vs. State of Punjab) decided on 04.04.2018*** . In the said decisions quantity to the extent of 270 grams and 300 grams of heroine was construed to be marginally over and above the non-commercial quantity.

The investigation of the case is stated to be complete. The arrest of the petitioner was effected on 01.03.2019. It has been stated that out of 10 prosecution witnesses, 05 witnesses have already been examined and the case of the prosecution is based upon official witnesses only. The petitioner is not stated to be involved in any other case under the NDPS Act.

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 comment on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

24.01.2020
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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No