

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

CRM-M-113-2021

DECIDED ON: 11th JANUARY, 2021

JITESH SAINI @ JEETU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for regular bail in case FIR No. 37, dated 14th May, 2020, under Section 21 and 22 of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS) registered at Police Station Kahnuwan, District Gurdaspur.

The brief facts of the case are that on secret information a car bearing registration no. PB-01-B-1043 was checked. There were three occupants, including the driver. On search 94 intoxicating tablets of Tramadol were recovered from the petitioner, 104 intoxicating capsules were recovered from Raman Kumar and 293 intoxicating tablets were recovered from Lakhwinder Kumar @ Lucha. Currency notes of ₹51,500/- and a weighing scale were also recovered. Petitioner was granted interim bail during the pendency as FSL report was awaited.

On receipt of FSL report, the bail was rejected, hence, the present

Learned counsel for the petitioner submits that no recovery is to be made and the challan has been presented. Contention is that the recovery is of non-commercial quantity.

Learned State counsel opposes the grant of bail and argues that the petitioner was the driver and owner of the car, there was recovery of weighing scale and money in addition to the intoxicating substances.

Considering the facts; that recovery of 94 intoxicating tablets falls in non-commercial quantity; there is no other case pending against the petitioner; he is in custody since 2nd December, 2020 and conclusion of trial would take time, present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing surety/bail bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, it is clarified that anything stated hereinabove shall not be construed as an expression on the merits of the case and is only for the purpose of deciding the bail application.

11th JANUARY, 2021
sham

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>