

233

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

(Through video-conferencing)

**CRM-M No.16449 of 2021
Date of Decision: 22.07.2021**

GURBACHAN SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.14 dated 06.01.2021, registered under Sections 21-C and 22-C of the NDPS Act at Police Station Assandh, District Karnal.

FIR was registered on the basis of secret information to the effect that the petitioner was involved in selling intoxicant tablets and capsules. The information was considered worth belief and a raid was conducted. The petitioner was apprehended with 220 capsules of Tramadol 50 MG and 390

tablets of Alprazolam 0.50.

As per prosecution case weight of 220 Tramadol capsules was found to be 72.6 grams and weight of 390 tablets of Alprazolam was found to be 46.8 grams. As per Entry No.178 of the Schedule, 100 grams of Alprazolam is the commercial quantity and as per Entry No.238 ZH, 250 grams of Tramadol is the commercial quantity.

Learned State counsel however opposed the bail on the premise that individually, the recoveries are non-commercial in nature, but the total weight of both the contrabands would exceed 119 grams as the same was found to be 119.4 grams.

Evidently, both the contrabands individually were of non-commercial nature. FSL report is still to be received. Since in the FIR itself, total weight of the contraband is depicted, therefore, the FSL report would indicate only percentage of the salt in the sample. Petitioner is in custody since 06.01.2021. Only 1 prosecution witness has been examined so far out of total 16 prosecution witnesses. The trial of the case may take sometime in its culmination.

Looking to the nature of recoveries and stage of the trial, I deem it appropriate to enlarge the petitioner on regular bail.

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

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

July 22, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No