

CRM-M No.24145 of 2021
Date of Decision : 06.07.2021

Lakhwinder Singh alias Lakha ...Petitioner

Versus

State of PunjabRespondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Kuldip Singh, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G., Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Although petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.22 dated 30.03.2021 registered for the offences under Sections 22 and 25 (Notification No.61) of the NDPS Act, 1985 at Police Station Mamdot, District Ferozepur, learned counsel for the petitioner states that he does not press the same and confines his prayer for grant of interim bail in the light of decision of Hon'ble the Division Bench of this Court in **Inderjeet Singh @ Laddi and others v. State of Punjab, 2014 (3) RCR (Cr1.) 953** on account of non receipt of report of the FSL despite sample having been sent for chemical examination on 02.04.2021.

3. Learned counsel contends that the petitioner is in custody

since 30.03.2021, sample of the alleged recovery of 750 tablets of Clovidol 100 SR was sent for chemical examination on 02.04.2021, but report from the FSL has not been received till date, besides, the petitioner is not involved in any other case, therefore the petitioner is entitled to be released on interim bail.

[4] Learned State counsel has not denied the factual position of the petitioner having been arrested on 30.03.2021 as also that report of the chemical examiner qua sample of the alleged recovery of 750 tablets of Clovidol 100 SR sent for chemical examination on 02.04.2021 has not been received so far, besides as per the custody certificate, the petitioner is not involved in any other case under the NDPS Act.

[5] I have considered the submissions of learned counsel. The learned Judge, Special Court, Ferozepur had vide order dated 06.05.2021, rejected the prayer of the petitioner for release on interim bail by observing that it would be proper to wait at least for a reasonable period to use the discretion while granting the concession of interim bail under the NDPS Act. Admittedly, the petitioner is in custody since his arrest on 30.03.2021, whereas report of the chemical examiner qua sample of the alleged recovery of 750 tablets of Clovidol 100 SR sent for chemical examination on 02.04.2021 has not been received so far. Besides as per the custody certificate, the petitioner not involved in any other case under the NDPS Act. Accordingly, in the facts and circumstances of the case, report of the FSL being unnecessarily delayed and the petitioner not being involved in any other case, the petitioner is ordered to be released on interim bail till the receipt of the report of the FSL subject to his

furnishing bail bonds / surety bonds to the satisfaction of the learned Chief Judicial Magistrate / Trial Court / Duty Magistrate provided he is not required in any other case. However, in case the petitioner is involved in any other case under the NDPS Act while on interim bail in the instant case, prosecution would be at liberty to move an application for cancellation of interim bail granted to the petitioner. The petitioner would ensure his presence before the learned trial court on each and every date and in case of the report of the FSL being against the petitioner, the petitioner would forthwith surrender before the learned trial Court.

[6] Petition allowed in aforementioned terms.

(B.S. Walia)
Judge

06.07.2021
'Rajneesh/Amit'

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