

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

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**CRM-M No. 21088 of 2020
Date of decision:16.02.2021**

SANDEEP SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kushaldeep Singh Sandhu, Advocate
for the petitioner.

Mr.Bhupender Beniwal, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case bearing FIR No.237 dated 05.11.2019 registered under Sections 22/ 25/ 61/ 85 of the NDPS Act and Sections 61/1/14 of the Excise Act at Police Station Sadar Jagraon District Ludhiana.

FIR was registered on the basis of secret information. During nakabandi, petitioner was apprehended with 1020 loose intoxicant tablets. FIR and recovery memo of loose intoxicant tablets are silent about batch number, date of manufacturing and date of expiry. As per FSL Repot, total quantity of the contraband comes out ot be 113.22 grams of Clonazepam, which finds mentioned at Sr.No.189 of the Schedule and upto 100 grams is the quantity prescribed for non commercial. The case would remain debatable as to the

quantity sent for chemical analysis. The alleged recovery is marginally in excess of the quantity prescribed for commercial nature.

Learned counsel for the petitioner refers to Shinda vs. State of Punjab, 2013(3) RCR (Criminal) 557 and Lakhwinder Singh @ Bittu vs. State of Punjab, 2012(22) RCR (Criminal) 301. Petitioner is in custody for the last about 8 months.

Per contra, learned State counsel submits that the recovery is commercial in nature.

Petitioner is not involved in any other case and in view of nature of recovery effected from him, I deem it appropriate to enlarge the petitioner on regular bail

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

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

February 16, 2021

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Whether reasoned/speaking

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No