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

(Through Video-conferencing)

**CRM-M No.27208 of 2021(O&M)
Date of Decision: 13.09.2021**

Sukhdeep Singh @ Sukhi

.....Petitioner

**Vs
State of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Warring, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.28 dated 22.03.2021 registered under Section 22(b) of the NDPS Act at Police Station Dialpura, District Bathinda.

As per allegations, the case was registered on suspicion when the petitioner was apprehended with an envelope (momi transparent) in his right hand. On seeing the police party, he turned back. He was apprehended on suspicion and 750 tablets were recovered from him.

As per FSL report, Tramadol Hydrochloride was detected with average quantity of ingredients to be 98.98 mg. per tablet. Average weight of one tablet was found to be 341.31 mg. Total weight of the tablets would come out to be 255.982 grams.

Learned counsel for the petitioner submits that the petitioner is not involved in any other case. He has clean antecedent. The alleged recovery is marginally in excess of commercial quantity, which as per Schedule is 250 grams. Learned counsel relies upon **Shinda Vs. State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu Vs. State of Punjab, 2012(22) RCR (Criminal) 301** in the context of recovery being marginally in excess of the quantity prescribed for commercial quantity.

Learned State counsel, however, opposed the bail on the ground that the recovery is commercial in nature. Though the petitioner is not involved in any other case, but the present recovery is sufficient to convict the petitioner for commercial quantity of contraband.

In view of facts and circumstances of the case and the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail without

adverting to the merits of the case,.

In view of above, 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/concerned Duty Magistrate.

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

13.09.2021	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No