

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

CRM-M-27419-2020

DECIDED ON: 7th JANUARY, 2021

RAJIV KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Baljeet Singh Kathuria, 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.

CRM-124-2021

Application is allowed, as prayed for.

FSL report is taken on record as Annexure A-1.

Main case

This is a petition for regular bail in case arising from FIR
No. 67, dated 29th July, 2020, under Section 22 of Narcotics Drugs and
Psychotropic Substances Act, 1985 registered at Police Station Mehna,
District Moga.

FIR was result of a secret information that Rajiv Kumar
(petitioner) and Sarabjeet Singh sell intoxicating tablets in Moga and today
also they are going to sell intoxicating tablets on Aactiva Scooter bearing
registration number PB-10EB-6411. Information was acted upon and a
naka was set up. Petitioner and Sarabjeet Singh were apprehended and
recovery of 900 tables of Alprazolam was made from the petitioner and

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integrity of this document
High Court, Chandigarh

900 tablets of Tramadol Hydrochloride was effected from Sarabjeet Singh.

Learned counsel for the petitioner submits that as per FSL report recovery effected from the petitioner which comes to 91.8 gm, is of non-commercial. He is in custody since 29th July, 2020 and is not involved in any other case.

Learned State counsel submits that both the accused were going on the same Activa and if the recovery in total is considered the same is commercial. The petitioner is the owner of the Activa.

There is a specific finding recorded by the Judge, Special Court, Moga in para 5 that as per the statement of SI Pal Singh 900 tablets of Alprazolam was recovered from the petitioner and 900 tablets of Tramadol Hydrochloride was recovered from Sarabjeet Singh. The said statement has not been even prima-facie contradicted by the State. The recovery from the petitioner is of non-commercial.

Considering that the petitioner is in custody since July, 2020 and conclusion of trial will take time, the present petition is allowed. Petitioner is ordered to be released of regular bail subject to his furnishing surety/bail bonds to the satisfaction of learned trial Court/Duty Magistrate.

7th JANUARY, 2021

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*