

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216)

CRM-M-40573 of 2020 (O&M)
Date of Decision: 15.01.2021

Jaspal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Yagyaany Ajay, Advocate, for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail', upon FIR no.259, dated 11.11.2020, having been registered at Police Station Sadar District Jalandhar, alleging therein the commission of an offence punishable under Section 22 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that other than the fact that the petitioner denies the occurrence altogether, even as per the case of the investigating agency, what was recovered from a polythene bag that he is alleged to have thrown on the roadside, was 40 tablets of 'Alprazolam' weighing 0.5 mg. each, with the total weight thereof being approximately 20 milligrams with the commercial quantity of the said salt being above 100 grams

Upon query to the learned State counsel, he does not deny that factual position which is obviously so from the FIR also, and on instructions from ASI Rajinder Singh submits that there is no other criminal case registered against the petitioner.

That being so, with the FSL report also not having been received, looking at the quantity even alleged to have been recovered from the petitioner, with the petitioner also alleging non-compliance of Section 50 of the NDPS Act, the present petition is allowed, with the petitioner ordered to be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the learned trial court/CJM/Duty Magistrate concerned.

15.01.2021
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No