

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-37608-2019 (O&M)

Date of Decision:- 2.3.2021

Akash and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jatinder Singh Gill, Advocate, for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Rajinder Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered vide FIR No. 17, dated 30.1.2018, Police Station Islamabad, District Amritsar, under Section 22 of NDPS Act.
2. Today at the very outset, learned counsel for the petitioners submits that since petitioner No.2-Badal was found in possession of 115.43 grams of 'Alprazolam', he may be permitted to withdraw this petition

at this stage particularly since he also wishes to verify as regards the antecedents of said petitioner.

3. Accordingly, the petition qua petitioner No.2 stands dismissed as withdrawn.
4. Learned counsel has however, pressed upon the case for petitioner No.1-Akash who as per the case of prosecution was found in possession of 104.72 grams of 'Alprazolam'. It has been contended by learned counsel for the petitioner that the aforesaid recovery is marginally above the 'commercial quantity' being less than 5% in excess of the quantity prescribed as 'commercial quantity' which is prescribed as 100 grams. It has further been submitted that the petitioner is not involved in any other case and has clean antecedents and since he has already been behind bars since the last 2 years, he may be extended the concession of regular bail.
5. The aforestated factual position is not disputed by learned State counsel who has however, opposed the petition on the ground that it is a case of recovery of 'commercial quantity'.
6. I have considered rival submissions addressed before this Court.
7. It is a case of recovery of 104.72 grams of 'Alprazolam'. As per the notification S.O. 1055(E) dated 19.10.2001, specifying small quantity and commercial quantity, a quantity of 100 grams and above of 'Alprazolam' is categorized as 'commercial quantity'. It is a case where the petitioner is a young man aged 21 years and is not even stated to be involved in any other case and has already been behind bars since the last 2 years. The trial in its normal course is not likely

to be concluded immediately. In view of the aforestated special facts, the petition is accepted qua petitioner No.1-Akash only and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 2, 2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No