

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

Sr. No.224

CRM-M-2588-2022

Date of decision : 23.2.2022

Bahadur Shah

.....Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Rishu Mahajan, Advocate for the petitioner

Ms.Ishneet Kaur, AAG, Punjab

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.82 dated 19.11.2021, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the NDPS Act) at Police Station Division Behram, District SBS Nagar.

The petitioner is being prosecuted for having been found in illegal possession of 103 tablets containing Alprazolam.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; there is no other criminal case that the petitioner faces; he is in custody since 19.11.2021; the report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the alleged recovery from petitioner is 12.77 grams Alprazolam, which is much

below the prescribed commercial quantity of 100 grams under the NDPS Act and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found in illegal possession of 103 tablets containing Alprazolam and that if released on bail he is likely to commit similar offences.

The petitioner is in custody since 19.11.2021; he is not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation; the alleged recovery of pshychotropic substances from him is classified as “non-commercial” under the NDPS Act and the petitioner's trial, which is yet to begin, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, SBS Nagar the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

23.2.2022
gsv

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No