

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

208

CRM-M-12699-2022 (O&M)

Date of decision : 30.11.2022

Anwar Ali @ Johnny

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Arun William, AAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

CRM-40078-2022

This application is for early hearing of the main case.

As the main case is listed today, this application has been rendered infructuous and the same stands disposed of as such.

Main case

The petitioner is seeking regular bail in FIR No.53 dated 03.06.2021, under Section 22 (C)/61/85 of the NDPS Act, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that it is alleged that recovery of 960 intoxicant tablets of Lomotil containing Diphenoxylate Hydrochloride with a total weight of 60.64 grams was effected from the petitioner. The recovery is marginally above the threshold of 50 grams as commercial quantity. The petitioner is in custody for over a year and is not involved in any other case under the NDPS Act. He had earlier been granted interim bail due to non-receipt of FSL report and had promptly surrendered and never misused the concession of interim bail.

Learned State counsel, upon instructions from ASI Kapil Kumar, states that 01 out of 12 prosecution witnesses has been examined. He has filed the custody certificate in Court which indicates that the petitioner is in custody for one year and ten days as on 29.11.2022.

Heard.

In view of the above especially when the recovery is marginally above the commercial quantity, the petitioner is in custody for over a year, he is not involved in any other case under the NDPS Act and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

November 30, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No