

CRM-M-42003-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42003-2022

Date of decision:13.12.2022

Mehar Deen @ Mehru

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Raj Karan Singh Verka, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.84 dated 20.07.2022, registered at Police Station Nurpur Bedi, District Ropar, under Section 22 NDPS Act, 1985.

Status report dated 08.12.2022, by way of affidavit of the Deputy Superintendent of Police, Sri Anandpur Sahib, District Rupnagar, filed in the Court today, is taken on record.

Learned counsel for the petitioner contends that recovery of 18 gram intoxicating powder allegedly effected from the petitioner, falls under the non-commercial quantity; that report of FSL has been received; that the petitioner has been in custody since 20.07.2022, and that challan has been presented.

On the other hand, learned State counsel, while opposing the

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grant of bail to the petitioner, submits that as per the FSL report, the intoxicant powder recovered from the petitioner and the co-accused, was containing Alprazolam, and that the petitioner was found in possession of 18 gram Alprazolam whereas co-accused Sukhjinder Singh, 32 gram Alprazolam. He further submits that dope tests of the petitioner and the co-accused were found positive with Morphine and Buprenorphine and, therefore, Section 27 NDPS Act was also added to the present case.

I have heard the learned counsel for the parties.

The recovery of intoxicating powder effected in the present case, falls under the non-commercial quantity. Challan has been presented. The petitioner has been in custody since 20.07.2022. The prosecution witnesses are yet to be examined. There is no other case pending or registered against the petitioner, at least of a similar nature. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

13.12.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No