

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

**CRM-M No.46303 of 2022 (O&M)
Date of decision : 06.12.2022**

Kuldeep Singh @ Nadha

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.0135 dated 17.07.2022 registered under Sections 21/22 of NDPS Act at Police Station Kotbhai, Distt. Sri Muktsar Sahib.

Status report dated 25.11.2022 by way of affidavit of Jasbir Singh, PPS, Deputy Superintendent of Police, Sub Division Gidderbaha on behalf of State has been filed. The same is taken on record.

As per prosecution, the petitioner was found to be in conscious possession of 250 tablets of Colovidol-100 SR.

Learned counsel for the petitioner has drawn attention of this Court to the FSL report, wherein it has been concluded as under :-

“The content of the parcel under reference has been analyzed by chemical, TLC and instrumental analysis. On the basis of analysis, no common intoxicant detailed above could be detected in the tablets contained in the parcel. However, Cetrizine Hydrochloride has been found present in the tablets contained in the parcel.”

He thus contends that the contraband alleged to have been recovered from the petitioner does not fall within the ambit of Narcotic Drugs or Psychotropic Substance as enumerated under the NDPS Act, 1985. Thus the petitioner is entitled for grant of bail. Further he submits that the challan already stands presented. All the witnesses cited there in are official witnesses and thus there cannot be any apprehension that the petitioner shall tamper with the evidence.

Per contra learned State counsel does not dispute the aforesaid factual assertions made by learned counsel for the petitioner. However, he submits that the petitioner having failed the dope test will be guilty for offence punishable under Section 27 of NDPS Act.

Keeping in view the fact that the petitioner is in custody since 17.07.2022, challan already stands presented and there is no apprehension that the petitioner shall tamper with the evidence, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06.12.2022

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No