

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-39974-2019 (O & M)
Date of Decision: January 18, 2022

HARI SINGH KHATRA

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Jaspreet Singh, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner is seeking regular bail in FIR No.140 dated 24.07.2019, under Sections 22 and 25 of the NDPS Act, registered at Police Station Dakha, District Ludhiana Rural.

Learned counsel for the petitioner contends that the alleged recovery which has been effected from the petitioner is intoxicant tablets containing alprazolam which is of non-commercial quantity. It is also alleged that Etizolam tablets were also recovered from the petitioner. Etizolam was not covered under the NDPS Act at the time of the alleged recovery and registration of FIR i.e. on 24.07.2019. Etizolam has been included in the NDPS Act on 23.03.2021. He, therefore, contends that the entire recovery which has been effected from the petitioner is of non-commercial quantity. The petitioner is 63 year old and is not involved in any other case under the NDPS Act. He is in custody for over 02 months.

Learned State counsel while referring to the status report states that although recovery of alprazolam tablets is of non-commercial quantity but recovery of Etizolam would be commercial quantity as it has been added in the NDPS Act by amendment vide notification No.S.O. 1276 (E) dated 23.03.2021. It is also stated in the status report that the charges have been framed. She upon instructions from ASI Baljit Singh states that no prosecution witness has been examined.

Heard.

In view of the above, especially when the petitioner is 63 year of age, the alleged recovery of alprazolam is non-commercial quantity, Etizolam was not included in the NDPS Act at the time of registration of FIR, Covid 19 pandemic 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 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

January 18, 2022
A.Kaundal

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