

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

CRM-M-2830-2023
Date of Decision:-**19.05.2023**

BHOLA SINGH @ SURAT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.
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KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.171 dated 23.08.2022 registered under Section 22 of NDPS Act at Police Station Budhlada District Mansa.
2. The allegations in nut-shell are that police arrested, petitioner Bhola Singh and recovered 80 strips each having 10 tablets of Alprazolam 0.5 mg. having batch number and at the same time co-accused Saudagar Singh was arrested along with 90 strips each containing 10 tablets of Alorazolam 0.5 mg. on 23.8.2022.

3. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the alleged recovery of 800 tablets of Alprazolam comes under non-commercial quantity and thus embargo provided in 37 NDPS Act is not applicable to the case of petitioner, who is in custody for the last more than 8 months and is having no criminal history. So prayer is made that the present petition be allowed.
4. The instant petition is resisted by the State counsel, who submits that 800 tablets of Alprazolam 0.5 mg. were recovered from the possession of the petitioner on 23.1.2023. However, the State counsel has not disputed the fact that the total weight of said contraband comes out to be 98.33 grams and thus falls in non-commercial quantity. The State counsel has also not refuted the fact that the petitioner who is having no criminal history is behind the bars for last more than 8 months and 27 days and that the trial is at its initial stage.
5. I have considered the submissions made by counsel for the parties.
6. In the instant case, short reply is filed on behalf of the State by way of affidavit of Navneet Kaur, Superintendent of Police, Sub-Division Budlada, District Mansa, as per which the medical intoxicants recovered from petitioner were weighing 98.336 grams of Alprazolam and the same comes under non-commercial quantity. It is a moot point as to if the recovery effected from the co-accused Saudagar Singh is also to be counted towards the petitioner. Admittedly stringent provisions of Section 37 of NDPS Act are not applicable to the contraband stated to be recovered from conscious possession of the

petitioner. The petitioner is in custody for the last more than 8 months and 27 days and is having no criminal antecedents and it will take considerable time for the trial to conclude, so no useful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.

7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

19.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No