

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

(215)

CRM-M-13030 of 2023
DATE OF DECISION:-21.03.2023

Raj Kumar @ Raju

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ajeet Pal Singh Pakka, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.11 dated 05.02.2023 under Sections 21(a), 22(b) of NDPS Act, 1985, registered at Police Station P.S Maur, District Bathinda (Annexure P-1).

In the aforementioned FIR, allegations levelled against the petitioner are about recovery of 5 grams heroin and 100 tablets of Tramadol Hydrochloride. Learned counsel for the petitioner submits that 5 grams of heroin is a small quantity whereas the salt composition of 100 tablets of Tramadol Hydrochloride tablets which would amount to non-commercial quantity. He also submits that petitioner is behind the bars for a period of 1 months and 15 days and investigation in the present case is likely to take some time.

On the other hand, learned State counsel opposes the prayer made herein while submitting that there are two other cases of NDPS act, registered against the petitioner, though, in both the cases, the petitioner is

already on bail.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

The alleged recovery from the petitioner in the present case is of 5 grams of heroin which falls within the small quantity whereas, the recovery of 100 tablets of Tramadol Hydrochloride is also of non-commercial quantity. Conclusion of the investigation is likely to take some time, considering the nature of recovery and the fact that petitioner is already on bail in two other cases besides he being behind the bars for a period of one and half months and conclusion of investigation is likely to take some time, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on merits of the case.

21.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No