

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

202

CRM-M-19430-2021 (O&M)

Date of Decision: 20.02.2023

Lakhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S.Sidhu, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Balkar Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.90 dated 14.06.2019 at Police Station Mehta, Amritsar, under Section 22 of the NDPS Act.
2. The allegations, in nutshell, are that on 14.06.2019, the petitioner was found in possession of 900 tablets containing 'Alprazolam' for which he could not produce any license or permit.
3. Learned counsel for the petitioner has submitted that as per FSL, the average weight of each of the tablet has been assessed as 114 mg and consequently the total weight of 900 tablets works out to 102.6 grams. It has been submitted that it is a case where the quantity of contraband recovered is alleged to be marginally more than the limit prescribed as commercial quantity, which is 100 mg and that there would certainly be

some room for error as the weight has been calculated on the basis of average weight of each tablet and that the entire quantity has not been weighed together. Learned counsel has further submitted that the petitioner in any case has been behind bars since the last more than 2 years and otherwise has a clean record.

4. Opposing the petition, learned State counsel has submitted that since the recovered contraband would fall in the category of non-commercial quantity, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years, 1 month & 23 days and that as on date 4 PWs out of cited 9 PWs have been examined. It has further been informed that though the petitioner had previously been involved in one more case, but he stands acquitted.
5. This Court has considered rival submissions.
6. It is a case where the recovered contraband is found to be marginally above from the quantity prescribed as commercial quantity. In other words, 2.6 grams more than the prescribed quantity of 100 grams. Further, in the present case, the total weight of the recovered 900 tablets has been assessed on the basis of the average weight of each tablet, which would mean that there could be some room for error in computation of the weight. In any case, the petitioner has been behind bars for a substantial period of more than 2 years. He is not stated to be involved in any other case as of now and stands acquitted in one more case in which he was involved earlier. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will

take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.02.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**