

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-59585-2023
Date of Decision: 7.3.2024

Sikander Singh alias Ghona

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. , Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.162 dated 26.7.2023 registered for the offences punishable under Sections 22(C) of NDPS Act at Police Station Lambi, District Sri Muktsar Sahib.

2. The allegations in nutshell are that on 26.7.2023, the police recovered 45 tablets of Etizola 0.5 from possession of the petitioner who was arrested at the spot.

3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case and is in custody for the last more than 7 months and is not involved in any other criminal case. It is further contended that as per report of FSL, average weight of aforesaid tablets was 56 mg/tablet and they were found to be having 2.52 mg of Etizolam salt which is marginally above the commercial quantity which is prescribed as

2.50 mg. Counsel for the petitioner further submits that it will take time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who submits that as per report of FSL, 2.52 mg of Etizolam salt was found in the aforesaid tablets and thus, the case of the petitioner comes under commercial quantity and covered by stringent provisions of Section 37 of NDPS Act. However, the State counsel on instructions from ASI Dalbir Singh has not disputed the fact that the petitioner who is having no criminal history is behind the bars for the last more than 7 months and that the trial is yet to commence.

5. I have considered the submissions made by the counsel for the parties.

6. In case of Etizolam, commercial quantity starts from just above 2.50 mg. As has been admitted by the State counsel, in the present case, recovery effected comes out to be 2.52 mg, meaning thereby, that it is just 0.02 mg above the upper limit provided for non-commercial quantity. Further, the petitioner is in custody for the last more than 7 months and is having no criminal antecedents and till date, the prosecution has not examined any witness out of total 15 witnesses and thus, it will take considerable time for the trial to terminate. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to

the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 7, 2024
Paritosh Kumar

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