



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

CRM-M-60595-2023

Date of Decision: May 13, 2024

Sandeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rahul Rampal, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.55 dated 11.06.2023, under Sections 22 (c) and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

2. As per the prosecution allegations, 10 bottles of wincerex of 100 ml. each, containing the salt of codeine phosphate, were recovered from the possession of the petitioner on 11.06.2023.

3. Seeking bail, learned counsel for the petitioner has drawn attention towards the order dated 07.12.2023 passed by this Court, wherein it was noticed that as per the prosecution allegations, the total weight of the bottles was 1.070 K.grams, which was marginally higher than the commercial category, which starts from 1 Kg. Contention was raised by learned counsel that in case the weight of the bottles is deducted, then the weight of the contraband will be lesser than 1 Kg. The State was directed to

clarify the weight regarding the contraband only. Status report was subsequently filed

alongwith a report of Forensic Science Laboratory, Bathinda (Annexure R-

2/T), as per which the weight of the liquid only per bottle of 100 ml., was 124.6 grams, which means that the total weight of 10 bottles works out to be 1.246 Kg.

4. Learned counsel for the petitioner at this stage has placed on record the copy of the report of the Drugs Control Officer, Sri Mukatsar Sahib, which forms part of challan, in which the weight of the each bottle is shown to be 107 grams.

5. Learned State counsel is at loss of words to explain this discrepancy in the weight of the each bottle of contraband and the total weight thereof.

6. Be that as it may, even if total weight of 10 bottles of contraband is taken as 1.24 Kg., it is marginally higher than the commercial category. Petitioner is in custody for the last 11 months and 01 day, as per the custody certificate placed on record. He has no other criminal case pending against him.

7. Learned State counsel, on instructions from ASI Tejinder Singh, also informs that the out of 20 witnesses cited by the prosecution, not even a single witness has been examined so far. Thus trial is likely to take long time to conclude.

8. Having regard to all the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing

requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

May 13, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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