

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

CRM No. M-11365 of 2015

Date of decision:- May 04, 2015

Sandeep Kumar

.....Petitioner..

Vs.

State of Punjab

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. J.S. Grewal, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J.

Instant petition has been preferred under Section 439 of the Code of Criminal Procedure (for brevity, "Cr.P.C.") by Sandeep Kumar, now confined in Central Jail, Ferozepur, seeking bail in case bearing FIR No. 91, dated August 01, 2014, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'Act'), registered at Police Station Sadar Abohar, Tehsil Abohar, District Fazilka.

2. As per the case of prosecution, petitioner was allegedly found in possession of 100 rappers of Carisoma (each strip contained 10 tablets) and 70 vials of Rexcof. Since, he could not produce any permit or license for the retention of above said

recovered articles, he was arrested.

3. At the very outset of the argument, learned State counsel has submitted that though report (challan) under Section 173 (2) Cr.P.C. was presented against the petitioner in the Court of Id. Jurisdictional Magistrate in the absence of FSL report but the report of FSL has now been received. The copy of which has been placed on record by the Id. State counsel.

4. A perusal of FSL report reveals that contraband, recovered from the possession of petitioner have been found to contain the salt of Carisoprodol, Chlorpheniramine Maleate and Codeine Phosphate, which falls within the definition of Narcotic Drugs and Psychotropic Substances, depicted in the schedule of the Act. The recovery of contraband, allegedly effected from the possession of petitioner otherwise also falls in the category of commercial quantity.

5. Taking into consideration all the aforesaid facts, no ground is made out for grant of regular bail. As such, the same is dismissed.

(JASPAL SINGH)
JUDGE

May 04, 2015
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