

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

(214)

CRM-M-12067-2015

Decided on: October 12, 2015.

Gurpreet Singh @ Preeta

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. D.S. Malwai, Advocate, for the petitioner.

Mr. Gazi Mohammad, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

For having been found in possession of 12 vials of Rexcof and 150 tablets of Carisoma, the petitioner is in custody w.e.f. 12.02.2015. The recovery in the present case is approximately 1200 ml. of Codeine against the commercial quantity having been prescribed as anything above 1000 ml. of Codeine. It is debatable if Carisoma contains any salt falling within the mischief under the NDPS Act.

On asking of the Court, it has been informed that the petitioner is not involved in any other case.

The quantity of Codeine recovered from the petitioner being marginally higher than the non-commercial quantity and considering the period of detention already suffered, the petitioner can be granted the concession of bail subject to the condition that he will not commit any similar offence again during pendency of the trial.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that before his release he would furnish an undertaking that he will not commit the similar offence again. It is observed that in case of petitioner indulging in similar activity again, it will be open to the prosecution agency to seek cancellation of the bail.

(M.M.S. BEDI)
JUDGE

October 12, 2015
harsha