

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

CRM-M-No. 20524 of 2015

Date of decision: September 22, 2015

Charanjit Singh

----Petitioner(s)

V/s

State of Punjab

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. Gurinderjit Singh, Deputy Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer made in the present petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case FIR No. 73, dated 16.11.2014 for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "*NDPS Act*"), registered at Police Station Kalanpur, District Gurdaspur.

As per the allegation made in the FIR, the petitioner was apprehended with 260 grams intoxicant powder.

Learned counsel for the petitioner contends that the provisions of Section 50 of NDPS Act, was not complied with and the

alleged recovered quantity does not fall within the ambit of NDPS Act. He further submits that intoxicant powder containing Diphenoxylate Hydrochloride, falls within the category of Drugs and Cosmetics Act, 1940.

Petitioner was arrested on 16.11.2014 and is in custody since then.

On the other hand, learned counsel for the State submits that apart from the fact that the recovery of 260 grams intoxicant powder falls within the category of commercial quantity, the prosecution has examined as many as two witnesses against the total eight witnesses cited by the prosecution.

Now the case is fixed for 25.09.2015 for remaining prosecution evidence.

The plea of the petitioner that the alleged recovery falls within the category of Drugs and Cosmetics Act, 1940 and the same is not a commercial quantity, is required to be adjudicated by the trial Court.

However, taking into consideration, the alleged possession which is recovered from the petitioner is a commercial quantity, no ground for bail is made out.

Consequently, the present petition for the grant of regular bail is dismissed. However, trial Court is directed to expedite the trial.

September 22, 2015
Anjal

[HARI PAL VERMA]
JUDGE