

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-23901 of 2015

Date of decision:- July 31, 2015

Manpreet Singh

.....Petitioner..

Vs.

State of Punjab

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. H.S. Gill, Advocate,
for the petitioner.

Mr. Deepak Garg, AAG, Punjab.

JASPAL SINGH, J.

Instant petition has been preferred by Manpreet Singh, under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C."), seeking regular bail, in case FIR No. 30, dated 21.04.2014, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'Act'), at Police Station Sardulgarh, District Mansa.

2. Shortly put, case of prosecution is that on April 21, 2014, 50 vials of Rexcof, 100 ml each were recovered from the possession of petitioner and he could not produce any permit or license for retaining the same in his possession.

3. Learned counsel for petitioner has urged that petitioner

has been falsely implicated in the instant case and no recovery of any contraband or incriminating article was effected from his possession. 50 vials of Rexcof, 100 ml each has been foisted upon him just to implicate him in this case. Alleged recovery of Rexcof also does not fall within the ambit of the Act. Petitioner is in custody since the date of his arrest i.e. April 21, 2014. Moreover, disposal of trial is also not likely in the near future. Petitioner also undertakes to abide by all the terms and conditions imposed by this Court, in case, he is granted the concession of bail.

4. On the other hand, learned State has strongly opposed the grant of bail to the petitioner. He has submitted that huge quantity of Rexcof, which generally contains codeine phosphate falls within scope of the Act. Moreover, no permit or license could be shown by petitioner for the retention thereof, till date. Thus, he does not deserve the concession of bail.

5. This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and has perused the record available.

6. As per the case of prosecution, 50 vials of Rexcof containing 100 ml each alleged to have been recovered from the possession of petitioner. He has simply alleged that recovery of Rexcof has been foisted upon him but at this stage, no opinion can be expressed in this regard. The quantity, if taken on its face value, falls within the category of commercial quantity. Mere fact that petitioner is behind the bars for the last more than 3 months is *ipso facto* no ground to grant him bail.

7. Taking into consideration the seriousness and gravity of offence complained of, this Court does not find it a fit case to grant the concession of bail.

8. Thus, petition stands dismissed.

**(JASPAL SINGH)
JUDGE**

July 31, 2015
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