

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

CRM-M No.40324 of 2015 (O&M)

Date of Decision: 10.12.2015

Varinder Kumar

..... Petitioner

Vs.

The State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Baltej Singh Sidhu, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State along with ASI Sulakhan Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of anticipatory bail in case FIR No.54 dated 24.06.2014, under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Dugri, Ludhiana **(Annexure P-1)**.

The petitioner/accused was apprehended on 24.06.2014 and recovery of 20 bottles of Rexcof (Cough Syrup) containing 100 ML each effected from the conscious possession of the petitioner without permit or licence.

Since the challan was presented on 26.11.2014 without the Chemical Examiner Report, the petitioner was granted interim bail, vide order dated 29.01.2015, passed by the Learned Additional Sessions Judge, Ludhiana.

Although the Chemical Examiner Report indicating that the sample contains *Codeine Phosphate* of a percentage, which amounts to being commercial in nature, is dated 05.01.2015, however, its receipt appears to

have been managed to be considerably delayed. It is shown to be received by the trial Court on 18.07.2015.

It appears that since the petitioner was alleged to be suffering from T.B. and fracture in the arm and was bed ridden, his arrest to date has been got extended or deliberately avoided. Hence, the present petition seeking anticipatory bail.

Learned Counsel for the petitioner submits that a false case has been foisted upon the petitioner and that there is no other case pending against the petitioner.

Learned State Counsel, on instructions from ASI Sulakhan Singh, submits that the seized quantity has been found to be a quantity, which is notified as commercial in nature and, therefore, no ground to continue the interim bail is made out.

Without commenting on the merits of the case, keeping in view the fact that the seized quantity has now been reported as commercial in nature and the facts as noticed above, the present petition is dismissed.

December 10, 2015

Gagan

(JASWANT SINGH)
JUDGE