

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.01.08 17:14
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CRM No. M-41744 of 2014 (O/M)
Date of decision : 8.1.2015

Sangram Singh @ Soni

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Himanshu Puri, Advocate, for the petitioner.

Mr. Nikhil K. Chopra, Deputy A.G. Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

It is alleged that on 15.3.2014, two persons namely Sangram Singh @ Soni and Gurpreet Singh @ Gopi were apprehended and from them 50 grams of intoxicant powder was recovered. Sample was sent to the laboratory where it was reported that the substance is Diphenoxylate Hydrochloride. As per entry No. 44 of the second schedule, the commercial quantity is mentioned as 50 grams. As per the definition of "commercial quantity" mentioned in Clause (vii) of Section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 the quantity greater than the one mentioned in the notification is to be treated as commercial quantity. Therefore, the recovery of intoxicant powder

effected from the petitioner being not greater than 50 grams, the quantity recovered from the petitioner to be treated as non-commercial.

Petitioner was arrested on 15.3.2014 and is in custody since then. He has now undergone 10 months of imprisonment. Disposal of the case will take long time. Therefore, there is no justification to keep the petitioner behind the bar. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds in the sum of Rs. 50,000/- to the satisfaction of the trial Court subject to the following conditions:-

- (a) The petitioner will not indulge in any criminal activity particularly dealing with Narcotic and Psychotropic substances ;
- (b) The petitioner will not leave the country without the prior permission of the trial Court and surrender his passport if any ;
- (c) The petitioner will appear in the trial Court to face trial on each and every date.

Disposed of.

(KULDIP SINGH)
JUDGE

8.1.2015
sjks