

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-4537 of 2015
Date of decision: March 12, 2015

Balwinder Singh @ Laddi

.... Petitioner

Versus

State of Punjab.

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.K. Jain, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

Jaspal Singh, J

Instant petition has been preferred under Section 439 Cr.P.C. by Balwinder Singh @ Laddi seeking regular bail in case FIR No. 33 dated May 15, 2014 under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short 'Act') registered at Police Station Budhlada, during the pendency of trial.

2. A perusal of FIR reveals that petitioner was riding pillion on the motorcycle No. PB-19-E-8658 driven by his co-accused Major Singh @ Meji. They were intercepted by the police and 15 bottles of Rexcof each of 100 ML and three strips of tablet Carisol each containing 50 tablets were recovered.

3. The contention of learned counsel for the petitioner that as per FSL report, sample of Rexcof was found containing Chlorpheniramine Maleate and Codeine Phosphate whereas, the tablets were found to contain Carisoprodol to the extent of 349.2 mg/tab. According to salt, the recovered

articles would not fall within the ambit of provisions contained in the Act.

Moreover, petitioner is not a previous convict and he is ready to abide by all the terms and conditions imposed by this Court in case he is granted the concession of bail.

4. As per the case of prosecution, petitioner as well as his co-accused were found possessing 15 bottles of Rexcof each of 100 ML and three strips of tablet Carisol each containing 50 tablets and contraband so recovered falls within the purview of commercial quantity. Moreover, report of FSL do not extend any help to the petitioner at this stage as after notification dated November 18, 2009, the entire mixture or Narcotic Drugs and Psychotropic Substances is to be taken into consideration. Since, the recovery complained of against the petitioner falls within a purview of commercial quantity. Therefore, no ground is made out to grant the petitioner concession of bail.

5. Dismissed.

March 12, 2015
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(JASPAL SINGH)
JUDGE