

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

CRM-M-10739 of 2016

Date of Decision: August 22, 2016

Sandeep @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Addl. A.G.Haryana.

FATEH DEEP SINGH, J.

Allegations against the petitioner Sandeep @ Sonu in this regular bail application under Section 439 Cr.P.C. are that on 19.11.2015 the petitioner was apprehended and from his conscious possession 240 bottles of Rexcof and 2250 tablets of Carisoma were recovered.

The contentions of the learned counsel for the petitioner that the contents of Rexcof in all comes to 48 grams of Codeine Phosphate and, therefore, is a non-commercial quantity, whereas, Carisoma falls under the Drugs and Cosmetics Act, 1940 are stoutly opposed by the learned State counsel on the grounds that Codeine Phosphate is a derivative of morphine, an opium derivative drug and, therefore, a banned substance and in view of the Central Government Notification dated 19.10.2011 the entire contents of

the recovered substance is to be seen. Further submitting that Rexcof as per the report of the Analyst so recovered from the possession of the petitioner contained not only Codeine Phosphate but as well as Chlorphineramine maleate which is also a banned substance.

Since in view of the statutory provisions the entire contents of the bottles are to be taken into account, therefore, by that analogy the contents of the bottles of Rexcof certainly falls within commercial quantity. Learned counsel for the petitioner has relied on Tarsem vs. State of Punjab CRM-M-4666 of 2014; Jagjit Singh vs. State of Punjab CRM-M-5632 of 2010; Sandeep Kumar @ Shinda vs. State of Punjab CRM-M-14264 of 2013; Manjit Singh vs. State of Punjab CRM-M-40849 of 2015; Tejinder Singh @ Jagga vs. State of Punjab CRM-M-29866 of 2012; Harish Kumar vs. State of Punjab CRM-M-6000 of 2013; Mohit Mehta @ Shanti vs. State of Punjab CRM-M-26942 of 2015; Amrit Pal Singh vs. State of Punjab CRM-M-168 of 2016 and Navjot Kumar @ Jyoti vs. State of Haryana CRM-M-122 of 2016, however, the same do not come to the aid of the petitioner. Thus, in view of the same and in the light of the notification issued by the State being a commercial quantity no ground to allow the present petition is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

August 22, 2016
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Whether speaking or reasoned : Yes/No

Whether reportable : Yes/No