

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

**CRM-M No.12371 of 2016**

**Date of Decision:-13.05.2016**

**Jaspal Singh @ Jassi.**

.....Petitioner.

Versus

**State of Punjab.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Dhirinder Chopra, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab  
assisted by ASI Lakhbir Singh.

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**JASWANT SINGH, J (ORAL)**

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner-Jaspal Singh @ Jassi in case FIR No.75 dated 12.08.2015 for offences punishable under Sections 15 & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered with Police Station Bakshiwal, District Patiala.

There is a recovery of 03Kgs of Poppy Husk and 1050 intoxicating tablets.

As per the FSL report the intoxicating tablets contains Diphenoxylate Hydrochloride (2.1 mg per tablet). The case of the prosecution is that seized quantity thus becomes commercial in nature. It is

stated that the petitioner is in custody since 12.08.2015 and the charges have been framed on 15.02.2016.

Learned State Counsel submits that the raised ground on the notification dated 14.11.1985 to the effect that the percentage of Diphenoxylate Hydrochloride not being more than 2.5 per tablet would not render the seized quantity being commercial in nature as the total weight of Diphenoxylate Hydrochloride if taken cumulatively would come to 22 gms only, has been subsequently modified by another set of notifications and upheld by a Division Bench of this Court in **Inderjit Singh @ Laddi versus State of Punjab 2014 (3) RCR (Criminal) 953** laying down that the entire weight of the seized quantity has to be assessed.

In view of the above, at this stage learned Counsel for the petitioner prays for permission to withdraw the present petition.

Dismissed as withdrawn.

**( JASWANT SINGH )  
JUDGE**

**May 13, 2016**  
Vinay