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

**CRM-M-26816-2015
Date of decision: 01.02.2016.**

Rakesh Kumar @ Sonu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. R.K.Handa, Advocate
for the petitioner.

Mr. Jashan Preet Singh, AAG., Punjab.

M.M.S. BEDI, J.(Oral)

The petitioner was found in possession of 100 bottles of Corex cough syrup each containing 100 ml. of liquid.

Counsel for the petitioner contends that only one sample was taken out of one bottle and the sample was found containing 8.6 mg. of codeine phosphate per 5 ml. Learned counsel argues that the sample cannot be said to be representative sample as sample was taken from one bottle only. He has also argued that even if the percentage of codeine phosphate is taken into consideration in all the bottles, for the sake of arguments, the contents of codeine phosphate will still be non-commercial in the present case.

Learned State counsel on the instructions from SI Gurjit Singh and on the basis of police record, informs that two

samples from two bottles had been taken at random considering both the samples to be the representative sample. It has also been informed that one witness out of eight witnesses has been examined.

It will be inappropriate for this Court at this stage to express any opinion on merits of the case whether it is the percentage or the total quantity of codeine phosphate which has to be considered but in the interest of justice, this petition is disposed of with the direction to the trial Court to conclude the trial within a period four months from the next date fixed in the case. In case the trial is not concluded within next four months from the next date of hearing which is stated to be 11th February 2016, the petitioner shall be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

1.02.2016

Harish Kumar

(M.M.S.BEDI)
JUDGE