

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-36170 of 2016

Date of Decision: 19.10.2016

Kulwant alias Kanta

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.366 dated 24.6.2016 under Sections 21-C of the NDPS Act registered at Police Station Ratia, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner was found in possession of 16 bottles of Rexcof, 100 miligrams of cough syrup containing codeine and 13 strips of Carisoprodol containing 130 tablets. He submits that so far as tablets of Carisoprodol are concerned, the Drug Controller, Fatehabad has opined that these tablets do not fall in the category of NDPS Act. As far as 16 bottles of Rexcof are concerned, he relies upon an order of this Court dated 10.12.2015 passed in CRM-M-40849-2015 titled as *Manjit Singh v. State of Punjab*, wherein even though the allegation against the petitioner therein was recovery of 20 vials of Rexcof Syrup, but he was granted bail. Learned counsel further submits

that the petitioner is in custody since 24.6.2016 and even though challan has been presented, but the trial has not yet begun.

On the other hand, learned State counsel, on instructions from ASI Baldev Singh, does not dispute the fact that the tablets of Carisoprodol do not fall in the category of NDPS Act. However, he submits that there is recovery of 16 bottles of Rexcoff from the petitioner, which disentitles him for grant of bail.

I have heard learned counsel for the parties.

Taking into consideration the order dated 26.5.2014 passed by a coordinate Bench of this Court in CRM-M-42099-2013 titled as *Pradeep Singh Vs. State of Punjab* and order dated 10.12.2015 passed by this Court in CRM-M-40849-2015 titled as *Manjit Singh v. State of Punjab* and the fact that the petitioner is in custody since 24.6.2016 and trial has not yet begun, I deem it appropriate to release the petitioner on regular bail. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case the petitioner is found involved in any other case of similar nature, the prosecution is at liberty to seek cancellation of his bail.

Needless to say that the observations made hereinabove shall not be construed as any expression on the merits of the case.

October 19, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No