

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

Date of decision:17.02.2016

Karnail Singh

.....Petitioner

v.

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.GS Bal,Senior Advocate assisted by
Mr.Sewa Singh,Advocate for the petitioner

Ms.Rimplejeet Kaur,AAG Punjab assisted by
ASI Jaspal Singh

Jaswant Singh,J.(Oral)

Prayer is for grant of regular bail in case FIR 49 dated
8.8.2015 under Sections 22/61/85 of the Narcotic Drugs and
Psychotropic Substances Act,1985, PS Sadar Budhlada,Distt.Mansa

There is recovery of 200 tablets of Tormadex Plus and 40
tablets of Prozolam-0.5.

It is contended that the aforesaid seized 40 tablets constitute
a small quantity whereas 200 tablets do not fall under the definition of
psychotropic substance as per the decision of the Review
Committee,duly acknowledged by a decision dated 13.7.2012 passed
by this Court in **CRM-M No.30899/2009** titled as **Rajiv Kumar @**

Lovely v State of Punjab and others.

Petitioner is stated to be in custody since 8.8.2015 and after completion of investigation challan presented. Petitioner is also stated to be not involved in any other case.

State counsel has filed reply by way of affidavit of Rajveer Singh Boparai, DSP Sub Division, Budhlada, Distt. Mansa and on the basis of averments made in the said reply concedes that 200 tablets of Tormadex Plus are not covered under the Narcotic Drugs and Psychotropic Substances Act, 1985 as a prohibited drug whereas 40 tablets of Prozolam-0.5 have been found to be falling under the non-commercial category. Said reply is taken on record. It is also conceded that petitioner is not involved in any other case and challan stands presented.

In view of the aforesaid circumstances without commenting on the merits of the case, keeping in view the fact that the challan has been presented and the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner in custody, the present petition is allowed and petitioner is directed to be released on bail subject to the satisfaction of CJM/Duty Magistrate, Mansa.

17.02.2016
joshi

(Jaswant Singh)
Judge