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

**CRM-M No.11572 of 2017
Date of Decision: 17.04.2017**

Buta Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. N.S. Bhullar, Advocate,
for the petitioner.

Mr. Shilesh Gupta, Additional A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.102 dated 03.10.2016, registered under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Phul.

Learned counsel for the petitioner contended that 1600 tablets of peach colour and 1500 tablets of white colour were allegedly recovered from the petitioner. The tablets of

white colour were ultimately detected to be containing salt of Tramadol Hydrochloride, which is not covered under the Schedule. 1600 tablets of peach colour, on being subjected to chemical analysis, were found to be containing salt of Alprazolam.

Learned counsel for the petitioner further submitted that Alprazolam is covered as per Serial No.30 of the Schedule appended to Narcotic Drugs and Psychotropic Substances Act, 1985, but in view of recommendations of the Review Committee, Alprazolam is also covered under Schedule (H) of the Drugs and Cosmetics Act, 1940. Moreover, loose tablets were also found, from which no representative samples were taken.

In view of order dated 15.02.2017, passed in **CRM-M No.34998 of 2016 titled Rachhpal Singh @ Goldi versus State of Punjab** and **State of Punjab versus Dharam Singh, 2010 (3) R.C.R. (Criminal) 94 (D.B.)**, the petitioner is entitled for regular bail.

The factum of Alprazolam salt found in the tablets of peach colour has not been denied by learned State counsel, on instructions from ASI Amritpal Singh.

In view of above, petition is allowed. Petitioner is

ordered to be enlarged on regular bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 17, 2017.

Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No