

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12386 of 2017

Date of Decision: April 24, 2017

Tufan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sahil Puri, Advocate
for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this regular bail application under Section 439 Cr.P.C are that on 26.05.2015 the petitioner was apprehended by the Police party leading to recovery of 110 grams of intoxicant powder which was subsequently on analysis opined to be *Alprazolam*.

The contentions of the learned counsel for the petitioner that the petitioner earlier allowed interim bail by this Court on account of marriage of his real sister and he has not misused the concession of bail and that he is in custody since long time and placed reliance on **2014(33) RCR (Criminal) 46 Parveen Singh @ Dunga vs. State of Punjab** and **CRM-M-34998 of 2016 Rachhpal Siungh @ Goldi vs. State of Punjab** to hammer home the point that even the Review Committee has opined that *Alprazolam*

stands covered under Schedule-H of the Drugs and Cosmetics Act, 1940 as well as under the NDPS Act which is subject matter of adjudication before a Larger Bench.

The contentions are sought to be refuted by learned State counsel on the grounds that commercial quantity of contraband has been recovered and that the petitioner is neither licenced dealer nor trading legitimately in drugs/cosmetics substances and has no occasion to be in possession of such a substance.

Appreciating the submissions admittedly it is not the case of the petitioner that he is in any manner entitled to keep possession of such a commercial quantity of the drug either under the Drugs and Cosmetics Act, 1990 or NDPS Act. Keeping in view the ever growing trade in such substances for which special provisions have been enacted by this Act and that cited ratios being factually at much variance no cause for allowing bail to the petitioner is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

April 24, 2017
aarti

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No