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

CRM-M No.12642 of 2017
Date of Decision: 24.04.2017

Simarjit Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

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

RAJ MOHAN SINGH, J.(Oral)

Petitioner is accused of offence under Section 22 of
the NDPS Act.

80 tablets of Carisoma, 150 tablets of Aldix 0.5
(Alprazolam) and 10 vials of Rexcof (codeine phosphate and
chlorpheniramine maleate) were allegedly recovered from the
petitioner. The aforesaid contrabands were subjected to
chemical analysis. 80 tablets of Carisoma were found containing
salt of Carisoprodol which does not fall under the Schedule of
NDPS Act. As far as Aldix 0.5 is concerned, the total weight of
150 tablets was found to be 19.05 gms. which is non-
commercial quantity. Rexcof was found to be containing codeine

phosphate for which commercial quantity is more than 1000 gms. The weight of 10 vials of Rexcof was found to be approximately 1000 ml. Even if ml. is taken to be in gm., then the same can be prima-facie treated to be 1000 gms.

Learned counsel for the petitioner by referring to definition of commercial quantity in terms of Section 2(vii a) submits that in relation to a Narcotic Drug and Psychotropic Substance, the commercial quantity means any quantity greater than the quantity mentioned in the notification.

By referring to the aforesaid submission, learned counsel further contends that so far as contraband Aldix 0.5 and Alprazolam are concerned, they are non-commercial quantities. Even if the quantity of Rexcof is taken to be 1000 gms., the same falls under non-commercial quantity. The submission appears to be arguable.

Learned State counsel on instructions from ASI Surinder Pal submitted that out of 15 prosecution witnesses, only one prosecution witness has been examined so far.

Petitioner is in custody since 10.01.2017 and the petitioner was granted interim bail which he has not mis-used so far.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing

adequate 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 24, 2017
Jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

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