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

CRM-M No.12644 of 2017
Date of Decision: 24.04.2017

Sukhwinder Singh @ Bittu

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. G.K. Mann, Advocate
for the petitioner.

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

RAJ MOHAN SINGH, J.(Oral)

110 gms. of narcotic powder was allegedly recovered from the petitioner which on chemical analysis found to be containing salt of Alprazolam. Alprazolam is covered under Serial No.30 of the Schedule appended to NDPS Act whereas the same is also covered under Schedule (H) of the Drugs and Cosmetics Act, 1940 as per recommendations of the Review Committee. The alleged recovery is marginally excess than the prescribed limit of non-commercial quantity.

Learned counsel for the petitioner relies upon

Gurpreet Singh @ Gopi vs State of Punjab, 2014(2) Law

Herald 1052 to contend that the contraband is slightly more

than the prescribed limit, therefore, the petitioner deserves to be released on regular bail.

Learned counsel further relies upon **Rachhpal Singh @ Goldi vs State of Punjab** in CRM-M No.34998 of 2016 to contend that the issue is debatable as to the applicability of both the acts in the event of finding the contraband to be Alprazolam.

Learned State counsel on instructions from ASI Ramesh Kumar submitted that out of 10 prosecution witnesses, only two prosecution witnesses have been examined so far.

In view of above, I deem it appropriate to enlarge the petitioner on regular 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