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

**CRM-M No. 14153 of 2017
Date of Decision: 01.05.2017**

Harpal Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Ms. Rimplejeet Kaur, A.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. 57 dated 29.05.2015, registered under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the N.D.P.S. Act), at Police Station Satnampura Phagwara, District Kapurthala.

The petitioner is in custody for the offence under Sections 22/61/85 of the N.D.P.S. Act, wherein 110 grams of

intoxicant powder was allegedly recovered from him and the same on chemical analysis, was found to be Diphenoxylate Hydrochloride.

Diphenoxylate Hydrochloride is a manufacturing drug as per the Government of India Notification Nos. S.O. 826 (E) dated 14.11.1985 and S.O. 40 (E) dated 29.01.1993.

Learned counsel for the petitioner relies upon **CRM No. 33873 of 2016 in CRA-S No. 1614-SB of 2014 titled Deepak Kumar Vs. State of Punjab** and **CRM No. 3018 of 2015 in CRA-S No. 3080-SB of 2014 titled Rakesh Kumar Vs. State of Punjab.**

The issue is debatable as to the trial of manufacturing drug under Section 22 of the N.D.P.S. Act.

Learned State counsel on instructions from Head Constable Surinder Singh submitted that charges have been framed, but no prosecution witness has been examined so far.

At this stage, without commenting upon merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged 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.

May 01, 2017.

Apurva

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No