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

**CRM-M No. 14821 of 2017
Date of Decision: 16.05.2017**

Vikas Kumar Jaidka

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present: Mr. Tarunveer Vashist, 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. 423 dated 26.12.2016, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the N.D.P.S. Act) at Police Station City Sangrur, District Sangrur.

The petitioner is accused of an offence under Section 22 of the N.D.P.S. Act in relation of alleged recovery of 25 vials of Corex. Out of total, one bottle of Corex was sent for chemical analysis.

Learned counsel for the petitioner submitted that Codeine falls at Serial No. 28 of the Notification and is a manufacturing drug. The trial of the alleged contraband under Section 22 of the N.D.P.S. Act would be debatable. The alleged recovery in context of sending one bottle for chemical analysis would also be debatable, even if the total vials of Corex were of same batch number, as the same were not recovered from a packed container/ parcel.

Learned counsel for the petitioner by relying upon **Gaunter Edwin Kircher Vs. State of Goa, Secretariat, Panaji, Goa, 1993, A.I.R. (S.C.) 1456** and **State of Punjab Vs. Dharam Singh, 2010 (3) R.C.R. (Criminal) 94 (D.B.)** contended that the petitioner is entitled to bail during pendency of the trial.

Learned State counsel on instructions from A.S.I. Gurtej Singh submitted that the charge has been framed for the offence under Section 22 of the N.D.P.S. Act. One of the prosecution witness has already been examined. Now the case is fixed for 17.05.2017 for remaining prosecution witnesses.

At this stage, without meaning anything on ultimate merits of the case, I deem it appropriate to enlarge the petitioner, who is in custody since 26.12.2016, on regular bail.

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.

May 16, 2017

Apurva

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No