

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

**CRM No.M-16167 of 2017
Decided on: 01.11.2017**

Vikramjit Singh @ Vicky

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.K. Dadwal, Advocate
for the petitioner.

Mr. Amandeep S. Gill, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.142 dated 21.09.2016, for offence punishable under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the Act') registered in Police Station Mehtiana, District Hoshiarpur.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 21.09.2016 and one 01 prosecution witness has been examined, so far. It is further submitted that the petitioner was earlier convicted in an another FIR relating to the year 2013 and has already undergone the sentence of 2½ months. It is further submitted that recovery from the petitioner is 60 gms. of intoxicant powder containing the salt of 'Diphenoxylate Hydrochloride' which is marginally higher than the commercial quantity. Counsel for the petitioner has relied upon the order dated 12.05.2017 passed by this

Court in CRM-M No.16095 of 2017, wherein the following order has been passed:-

“Recovery of 71 grams of Dyphenoxylate Hydrochloride has been alleged against the petitioner. Learned counsel for the petitioner submitted that Dyphenoxylate Hydrochloride is a manufacturing drug as per Government of India Notification No. SO 826 (E) dated 14.11.1985 and SO 40 (E) dated 29.01.1993.

*Learned counsel for the petitioner further contended that in view of **Deepak Kumar Vs. State of Punjab bearing CRM No. 33819 of 2016 in CRA-S No. 1614-SB of 2014** and **Rajesh Kumar Vs. State of Punjab bearing CRM No. 3018 of 2015 in CRA-S No. 3080-SB of 2014**, the petitioner is entitled to regular bail.*

At this stage, without meaning anything on merits of the case, I deem it appropriate to grant concession of regular bail to the petitioner.

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.”

On the other hand, counsel for the State, on instructions from HC Kashmiri Lal, has opposed the prayer for bail on the ground that in case the petitioner is released on bail, he may indulge in such or similar activity again.

In reply, counsel for the petitioner has submitted that earlier the FIR against the petitioner pertains to the year 2013 and conclusion of the trial in the present case will take long time.

Considering the custody of the petitioner and in view of the fact that only 01 prosecution witness has been examined and also in

terms of order dated 12.05.2017, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court/Illaqa Magistrate. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

01.11.2017
yakub

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