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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 19320 of 2017 (O&M)
Date of Decision: 31.05.2017

Balwinder Kumar @ Goldy

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Charanpreet Singh, 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. 161, dated 06.08.2016, under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the N.D.P.S. Act), registered at Police Station Tanda, District Hoshiarpur.

The petitioner is accused of offence under Section 22 of the N.D.P.S. Act, wherein 350 grams of intoxicant powder was allegedly recovered from his conscious possession. On chemical analysis, alleged contraband was found to be

containing Diphenoxylate Hydrochloride.

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

Learned State counsel on instructions from A.S.I. Gurdeep Singh stated that charges have already been framed and now, the case is fixed for 02.06.2017, for prosecution evidence.

In view of **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 **Rajesh 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.

At this stage, without adverting to 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 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 31, 2017

Apurva

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No