

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

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**CRM-M No.34998 of 2016 (O&M)
Date of Decision: 15.2.2017**

RACHHPAL SINGH @ GOLDI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Vivek Salathia, Advocate for
Mr.Vikas Gupta, Advocate,
for the petitioner.

Mr.P.S.Ghumman, Addl.A.G.Punjab.

RAJ MOHAN SINGH, J.(oral)

CRM No.3609 of 2017

For the reasons mentioned in the application,
judgment dated 16.11.21016 (Annexure P-4) is taken on record
subject to all just exceptions.

Application stands disposed of.

CRM-M No.34998 of 2016

Petitioner seeks grant of regular bail under Section

439 Cr.P.C in case bearing FIR No.247 dated 26.11.2014 registered under Sections 22 of the N.D.P.S. Act at Police Station Bhikhiwind, District Tarn Taran.

Allegation against the petitioner is that he was carrying a plastic bag in his hand and on seeing the police party, he became perplexed and after throwing the bag in the field, he turned back. He was apprehended on suspicion. On being asked, he disclosed his whereabouts. The contraband recovered from him was weighing 120 grams, which was subsequently detected Alprazolam as per FSL report. Chemical analysis revealed that 0.24% of Alprazolam/ psychotropic substance was containing in the bulk. Petitioner was granted interim bail on 2.3.2015 by the trial Court. On receipt of report from FSL, his bail was automatically cancelled.

As per learned counsel for the petitioner, Alprazolam is covered under Sr.No.30 of the Schedule appended to N.D.P.S. Act, 1985, but as per recommendations of Review Committee, Alprazolam is also covered under Schedule 'H' of the Drugs and Cosmetics Act, 1940. Petitioner is in custody since 27.5.2016. The matter seems to be debatable vis-a-vis applicability of both the Acts.

Learned counsel for the petitioner has also submitted that the petitioner was also involved in two more cases. In one

case, he was acquitted and in another case, cancellation report has been submitted to the Illaqa Magistrate.

In view of above, without commenting upon merits of the case, I am of the view that the case of the petitioner can be considered for grant of regular bail .

Accordingly, this 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.

February 15, 2017
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(RAJ MOHAN SINGH)
JUDGE