

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

**CRM-M No.38269 of 2016
Date of Decision: 03.04.2017**

Jagdeep Singh

.....Petitioner

Versus

State of Punjab

... Respondent

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

Present:Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl, AG, Punjab.

RAJ MOHAN SINGH, J.(ORAL)

Learned counsel for the petitioner contends that Diphenoxylate Hydrochloride is a manufacturing drug as per Government of India Notification Nos.SO 826 (E) 14.11.1985 and SO 40(E) dated 29.01.1993. Manufacturing drugs are punishable under Section 21 of the NDPS Act, whereas psychotropic substances drugs are covered under Section 22 of the NDPS Act.

Learned counsel for the petitioner also questioned the competency of Investigating Officer who allegedly effected recovery of the contraband from the petitioner in view of notification No.SO 33/CA 61/85 Ss. 42 and 67/87 dated 03.09.1987.

In view of CRM No.33873 of 2016 in CRA-S No.1614-SB of 2014 titled Deepak Kumar Vs. State of Punjab, the issue

is debatable as to the trial of manufacturing drug under Section 22 of the NDPS Act.

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

Let the petitioner 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.

03.04.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No