

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

CRL. MISC. No.M-40861 OF 2016
DATE OF DECISION : 18th AUGUST, 2017

Jagdish Singh @ Babbu

.... Petitioner

Versus

State of Punjab

.... Respondent

CRL. MISC. No.M-33457 OF 2016

Munish Baghla @ Monu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Dr. Rau P. S. Girwar, Advocate
for petitioner-Jagdish Singh @ Babbu.

Mr. Amarjit Singh Ahluwalia, Advocate
for petitioner-Munish Baghla @ Monu

Ms. Samina Dhir, D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioners have filed these petitions under Section 439 Cr.P.C. seeking regular bail in case FIR No.010 dated 29.01.2016 registered under Section 22/61/85 of the NDPS Act, 1985 at Police Station Sadar Bathinda, District Bathinda.

Heard learned counsel for the rival parties.

The case of the prosecution is that from the petitioner-Jagdish Singh @ Babbu, 12 bottles of intoxicant vials marka Corex were recovered while from the petitioner-Munish Baghla @ Monu 67 vials of

Rexcof and 700 tablets of Carisoma contains salt Carisoprodol, were recovered.

Following are the observations made by the trial Court in its order:

“As per the report of FSL, tablets Carisoma contains salt Carisoprodol, which admittedly does not fall under NDPS Act. However further perusal of report of FSL shows that Rexcof vials contain salt Codeine Phosphate 8.6 mg/5ml. As per table attached under NDPS Act, mentioned at Sr.No.28 commercial quantity of Codeine starts from 1 kg. Whereas in the present case 67 bottles of Rexcof containing Codiene phosphate were recovered from the accused. The entire mixture is to be taken into consideration from the date of publication of notification No.S.O.2941 (E) dated 18.11.2009 and the said notification is not retrospective.”

The petitioner-Jagdeep Singh was arrested on 29.01.2016 while petitioner-Munish Baghla was arrested on 25.01.2016 and since their date of arrest they are in jail under trial.

Learned State counsel submits that only three witnesses are remained to be examined. It is further stated by her that there is no other case against both the petitioners.

Looking to the fact that there is no other case against the petitioners and further looking to the reasons given by the learned trial Court reproduced above, I am inclined to grant bail to the petitioners.

Hence I make the following order:

ORDER

- (i) Crl. Misc. No.M-40861 of 2016 and Crl. Misc. No.33457 of 2016 are allowed.
- (ii) The petitioners be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.

18th AUGUST, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*