

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

CRM-M No.6108 of 2017

Date of Decision: 28.02.2017

Punjab Singh @ Punjab

.....Petitioner

Versus

State of Punjab

... Respondent

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

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

Mr. Deep Singh, AAG, Punjab.

RAJ MOHAN SINGH, J.(ORAL)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.59 dated 01.05.2015 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Bhikhiwind, District Tarn, Taran.

Petitioner was apprehended with 300 grams of intoxicant powder which was subsequently detected as Alprazolam with 0.30% in the bulk so recovered. Interim bail was granted to the petitioner, however on receipt of chemical examiner report, petitioner was taken in custody. Alprazolam is covered at serial No.30 of Schedule appended to NDPS act, but as per recommendation of the review committee, Alprazolam is also covered by Schedule H of Drugs and Cosmetics Act, 1940. At this stage, it would be debatable as to the applicability of both the acts.

Petitioner is in custody since 31.05.2016. Challan has already been presented and the case is fixed for prosecution

evidence.

Learned State counsel on instructions from ASI, Harbans Singh states that the petitioner is not involved in any other NDPS Act except an offence under Section 399/402 IPC.

At this stage, without commenting anything upon merits of the case, petitioner is ordered to be released on regular bail subject to his furnishing adequate bail bonds and 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.

28.02.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No