

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

**CRM-M No.7099 of 2017
Date of Decision: 05.04.2017**

Surinder SinghPetitioner

Versus

State of Punjab ... Respondent

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

Present:Mr. S.S. Gill, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl, AG, Punjab.

RAJ MOHAN SINGH, J.(ORAL)

Petitioner is accused of offence under Section 22 of the NDPS act on the allegations that 25 bottles of Corex each containing 100 ml of Codeine Phosphate were recovered from the possession of the petitioner.

Petitioner was granted interim bail till submission of the report of FSL. On receipt of FSL report, the contraband was found to be of Codeine Phosphate. Though 9.8 mg/5 ml of Codeine Phosphate was found in the contraband, but taking into consideration the entire bulk, the same was termed to be commercial quantity. Codeine Phosphate is a manufacturing drug.

As per Government of India Notification Nos. SO 826 (E) dated 14.11.1985 and SO 40(E) dated 29.01.1993, the manufacturing drugs are punishable under Section 21 of the

NDPS Act whereas psychotropic substances are covered under Section 22 of the NDPS Act.

In view of CRM No.33873 of 2016 in CRA-S No.1614-SB of 2014 titled Deepak Kumar Vs. State of Punjab, CRM No.3018 of 2015 in CRA-S No.3080-SB of 2014 titled Rajesh Kumar Vs. State of Punjab and CRM No.9547 of 2016 in CRA-S No.4081-SB of 2014 titled Kulwinder Singh Vs. State of Punjab, the issue is debatable as to the trial of manufacturing drug under Section 22 of the NDPS Act.

In view of the above, without adverting to the merits of the case, it will be just and expedient to grant concession of regular bail to the petitioner.

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.

05.04.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No