

CRM-M-7963-2017

[1]

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(Sr.No.222)

CRM-M-7963-2017

Date of Decision:-May 22, 2017

Bagicha Singh

.....Petitioner

V/S

State of Punjab

.....Respondent

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

Present : Mr. I.P.S. Kohli, Advocate,
for the petitioner.

Mr. Abhishek Chautala, AAG Punjab.

A.B. Chaudhari, J. (Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.110 dated 26.05.2015 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the N.D.P.S. Act) at Police Station Kotwali Kapurthala, District Kapurthala.

The petitioner is in custody for the offence under Section 22 of the N.D.P.S. Act, wherein 110 grams of intoxicant powder was allegedly recovered from him and the same on chemical analysis, was found to be Diphenoxylate Hydrochloride.

Diphenoxylate Hydrochloride is a manufacturing drug as per the Government of India Notification Nos.S.O. 826 (E) dated 14.11.1985 and S.O. 40 (E) dated 29.01.1993.

Learned counsel for the petitioner relies upon **CRM**

No.33873 of 2016 in CRA-S No.1614-SB of 2014 titled as Deepak Kumar Vs. State of Punjab and CRM No.3018 of 2015 in CRA-S No.3080-SB of 2014 titled as Rakesh Kumar Vs. State of Punjab

The issue is debatable as to the trial of manufacturing drug under Section 22 of the N.D.P.S. Act.

Learned State counsel on instructions from the investigating officer who is present Court submitted that charges have been framed, but no prosecution witness has been examined so far.

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

In view of above, petition is allowed. Petitioner is ordered to 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.

May 22, 2017

pankaj

**(A.B. CHAUDHARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No