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

CRM-M No.8228 of 2017

Date of Decision: 05.04.2017

Satnam Singh @ Sattu

.....Petitioner

Vs

State of Punjab

.....Respondent

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

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

Ms. Rimplejeet Kaur, A.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Prayer in this petition is for grant of regular bail under
Section 439 Cr.P.C in case bearing FIR No. 08, dated
15.01.2015, under Section 22 of the Narcotic Drugs and
Psychotropic Substances Act, 1985 (for short NDPS Act),
registered at Police Station Sarhali, District Tarn Taran.

Petitioner is accused of the offence under Section 22 of the NDPS Act, wherein 100 grams of intoxicating powder was allegedly recovered from him, which on chemical analysis was found to be “Dyphenoxylate Hydrochloride”.

According to learned counsel for the petitioner, Dyphenoxylate Hydrochloride is a manufacturing drug and does not fall under the ambit of Section 22 of the NDPS Act. Reference has been made to **Notification No. SO 826 (E) 14.11.1985** and **SO 40 (E) dated 29.01.1993**.

Learned counsel for the petitioner further submitted that there was inordinate delay in sending the sample for chemical analysis, whereas the same was required to be sent within a period of 72 hours from the date of recovery. Reference has been made to the case of **Ashish Kumar @ Shally Vs. State of Punjab** bearing **CRM-M No. 61 of 2015**.

The petitioner was granted interim bail and he has not misused the concession of bail. However, the same was cancelled on receipt of chemical examiner's report.

Learned counsel for the petitioner further places reliance upon the cases of Deepak Kumar Vs. State of Punjab bearing CRM No. 33819 of 2016 in CRA-S No. 1614-SB of 2014 and Rajesh Kumar Vs. State of Punjab bearing CRM No. 3018 of 2015 in CRA-S No. 3080-SB of 2014.

In view of above, I deem it appropriate to enlarge the petitioner 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 opinion on merits of the case.

April 05, 2017
Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No