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

CRM-M No.8327 of 2017
Date of Decision: 19.04.2017

PUSHPENDER

.....PETITIONER

Vs

STATE OF HARYANA

.....RESPONDENT

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

Present: Mr. Bijender Dhankhar, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks regular bail in case bearing FIR No.25 dated 17.01.2017 under Sections 21c-61-85 of NDPS Act, registered at Police Station City Tohana, District Fatehabad.

While on patrolling, police party saw two young boys coming on a motorcycle in a fast speed. On seeing the police party, they started turning back the motorcycle and became perplexed. Their motorcycle got switched off and the ASI with the help of companions apprehended them. Alias name of the petitioner was known to be Kanhiya who was driving the motorcycle at the relevant time. Name of the pillion rider is Anurag @ Anu. A polythene containing 15 bottles of Tusscodine-

T Codeine Phosphate and Triprolidine Hydrochloride Syrup was recovered from the accused which was kept in between the two accused. Two bottles were separated as representative samples. The weight of one bottle was found to be 120 gms. and total weight of the contraband was found to be 1 Kg. 820 gms. Tusscodine-T Codeine Phosphate is a notified drug under the NDPS Schedule.

Since the weight of the bottle has been included while considering the total bulk of the contraband, therefore, it would be debatable as to whether the net weight of total bulk of contraband is covered under commercial quantity or not. The applicability in terms of Section 21 of NDPS Act in a case of notified drug would also be a debatable issue at the time of trial.

Petitioner is in custody since 17.01.2017.

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 19, 2017

jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No