

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

CRM-M No.9291 of 2017

Date of Decision: 06.04.2017

Rajinder Kumar

.....Petitioner

Versus

State of Punjab

... Respondent

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

Present:Mr. Pawan Kumar, Advocate
for the petitioner.

Mr. Neeraj Sharma, AAG, Punjab.

RAJ MOHAN SINGH, J.(ORAL)

As per prosecution case, recovery of 3300 SPM-PRX+ Capsules of blue colour, 95 strips of Lomotil tablets each containing 60 tablets equal to 5700 tablets, 10 strips of Nitravet tablets (Nitrazepam) each containing 30 tablets equal to 300 tablets and 10 Phills of Corex each containing 100 ml per Phill equal to 1000 ml was effected from the petitioner.

Learned counsel for the petitioner submits that Tramadol Hydrochloride is not covered under the purview of NDPS Act. Recovery of 3000 Nitravet (Nitrazepam) tablets is non-commercial in nature. 10 bottles of Corex being a manufacturing drug, trial of the same would be bad in terms of Section 22 of the NDPS Act. Similarly, Dipehnoxylate Hydrochloride is also 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.

In view of CRM No.9547 of 2016 in CRA-S No.4081-SB of 2014 titled Kulwinder Singh Vs. State of Punjab, learned counsel for the petitioner seeks indulgence of this Court for grant of regular bail particularly when the petitioner is in custody since 02.05.2016 and no prosecution witness has been examined so far.

Learned State counsel on instructions from ASI Ram Kishan, submits that there is no other case against the petitioner under NDPS Act.

In view of 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.

06.04.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No