

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

CRM-M No. 9704 of 2017
Date of Decision: 26.05.2017

RAJ KUMAR @ RAJU

-PETITIONER

VS

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Shilesh Gupta, Additional A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner is accused of offence under Section 22 of the NDPS Act.

150 grams of intoxicating powder was allegedly recovered from the petitioner which on chemical analysis was found to be containing Diphenoxylate Hydrochloride. Co-accused was found in possession of 60 grams of same contraband and was allowed regular bail vide order dated 07.10.2016.

Learned counsel for the petitioner submitted that the petitioner is suffering from neurological problem and is being treated in Dayanand Medical College and Hospital, Ludhiana.

Diphenoxylate Hydrochloride is a manufacturing drug as per Government of India Notification No.SO 826(E) 14.1.1985 and SO 40(E) dated 29.01.1993 and is punishable under Section 21 of the NDPS Act.

Charges have already been framed under Section 22 of the NDPS Act. It would be debatable as to the trial of manufacturing drug under Section 22 of the NDPS Act.

Learned counsel relies upon CRM No.33873 of 2016 in CRA-S No.1614-SB of 2014 titled **Deepak Kumar vs State of Punjab** for pressing his bail in the given situation.

Learned State counsel on instructions from HC Kuldeep Singh submitted that prosecution evidence has not yet been started after framing of the charge and the petitioner is in custody since 21.02.2017.

In view of above, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is ordered to be released 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 the merits of the case.

May 26, 2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking : Yes/No
Whether reportable : Yes/No