

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

CRM-M-1400-2018 (O&M)

Date of decision: 19.01.2018

Kuldeep Singh

... Petitioner

Vs.

Union Territory, Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Yogesh Saini, Advocate for the petitioner.

Mr. G.S. Chahal, APP, U.T., Chandigarh.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.195, dated 06.10.2017, under Section 22 of the NDPS Act, registered at Police Station Maloya, Chandigarh.

As per prosecution version, the alleged recovery effected from the petitioner was of 12 injections of Buprenorphine (2ml each) 12 injections of Pheniramine Maleate (10ml each).

Petitioner was arrested on 06.10.2017.

In the present case, the report of the Chemical Examiner has been obtained but the challan is yet to be presented.

Insofar as the alleged recovery of Buprenorphine is concerned, the same would be construed as marginally in excess of commercial quantity. With regard to the second drug recovered i.e. Pheniramine Maleate is concerned, counsel would submit that such salt finds a mention in schedule 'G' of the Drugs and Cosmetic Rules, 1945 and would not fall within the purview of the NDPS Act.

Learned counsel representing U.T. Chandigarh concedes to the fact that the petitioner is otherwise not involved in any other case under the NDPS Act.

In view of the above and without making any observations on merit, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Chandigarh.

Disposed of.

19.01.2018

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |