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

CRM-M No.5063 of 2018
Date of Decision: 14.02.2018

Mandeep Singh @ Deepa

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. T.S. Sidhu, Advocate
for the petitioner.

Mr. Randhir Singh Thind, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.222 dated 14.09.2017 under Sections 22/61/85 of NDPS Act registered at Police Station Sangat, District Bathinda.

2. FIR was registered when the motorcycle of the petitioner was signaled to be stopped in which one lady was also sitting as a pillion rider. Petitioner-driver of the motorcycle instead of stopping the same fled away from the spot. It was suspected that the motorcyclist was carrying some contraband in an envelope at the front tank on the motorcycle. The motorcycle was chased. The motorcyclist slowed down the motorcycle

and turned the same on kacha passage. The pillion rider i.e. the lady jumped from the motorcycle and the motorcyclist threw the plastic envelope kept at the front tank. The narcotic bottles and tablet strips present in the envelope were scattered on the ground. The lady was apprehended whereas the motorcyclist ran away. On being asked, the lady disclosed her name as Ranjit Kaur and the name of the motorcyclist came to be known as Mandeep Singh @ Deepa. The total contraband was found to be containing 11 bottles of ONEREX having batch No. OES-1107 and OES-1092 and 11 strips of CARISOMA having batch No. CAR-7006 containing 10 tablets per strip. One bottle of ONEREX was found containing 10 mg of Codeine Phosphate per 5 ml. On computation, the total weight of ONEREX was found to be 1100 ml. which was found to be 1.21 Kg. as per report of Drug Inspector.

3. The ingredients of the tablet do not fall under the schedule of NDPS Act whereas Codeine Phosphate finds mention at Serial No.28 of the Schedule. The quantity upto 1 kg. is the non-commercial quantity.

4. Petitioner was arrested and motorcycle was recovered from him. The alleged recovery was marginally above than the prescribed limit for non-commercial quantity.

5. Reliance can be placed on **Shinda vs State of**

Punjab, 2013(3) RCR (Criminal) 557 and Lakhwinder Singh @ Bittu vs State of Punjab, 2012(22) RCR (Criminal) 301.

6. In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of trial Court.

7. Nothing observed hereinabove shall be construed to be an opinion on the merits of the case.

14.02.2018
 jyoti

(RAJ MOHAN SINGH)
JUDGE

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