

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-8569-2019

Date of decision: 05.03.2019

Amandeep Singh @ Aman

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

**PRESENT:** Mr. Sanjay Gupta, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

**RAMENDRA JAIN, J. (ORAL)**

Through this second petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to petitioner-Amandeep Singh @ Aman, in case FIR No. 74 dated 25.09.2017 registered under Section 22 of the NDPS Act at Police Station Sadar Banga.

According to the prosecution, the petitioner was apprehended with conscious possession of 80 strips (1600 tablets) of Lomotil, without any permit or licence.

Learned counsel for the petitioner *inter alia* contends that weight of the salt has to be taken into account to ascertain as to whether the recovered narcotic substance falls under the definition of 'commercial quantity'. The recovered drug does not fall under the category Narcotic Substance. In support of his contention, learned counsel for the petitioner has relied upon two judgments of co-ordinate Benches of this Court in (i)

**CRM-M-48317-2017, Sehbaj Singh @ Baj Vs. State of Punjab** decided

on 16.01.2018 and (ii) CRM-13701-2018, **Sarup Singh @ Roop** Vs. **State of Punjab**, decided on 17.04.2018.

On the other hand learned State counsel vehemently refuting the submission of learned counsel for the petitioner contends that whole weight of the contraband has to be taken into account without segregating the component. As per FSL report, the intoxicant tablets recovered from the petitioner contains salt Diphenoxylate Hydrochloride and Atropine Sulphate and on calculation total weight comes to 102 grams which falls under the 'commercial quantity' as per entry at serial No. 44 of the Schedule.

Considering the seriousness of allegations levelled against the petitioner and the fact that drug trafficking in this Northern region of the country has increased manifold in the recent past and, thus, such type of crime has to be dealt with severe hands, this Court is not inclined to grant regular bail to the petitioner.

Dismissed.

**March 05, 2019**

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**( RAMENDRA JAIN )  
JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**