

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

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CRM-M-17588-2019(O&M)

Date of decision :16.11.2019

PARWINDER SINGH @ BILLU

.....Petitioner

versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S.Jatana, Advocate, for the petitioner.
Mr. Hittan Nehra, Addl. A.G.,Punjab

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of bail pending trial in a criminal case arising out from FIR No.83, dated 01.11.2018, registered under Section 22 of the NDPS Act, 1985, at Police Station Joga, District Mansa.

As per the allegations of the prosecution, petitioner was found in conscious possession of 430 tablets of Carisoma and 19 vials(100 ml each) of Onerex Cough Syrup.

Learned State counsel, on instructions from ASI Gurdev Singh, has submitted that Carisoma tablet does not contain any prohibited substance. Now, the only thing remains is 19 bottles/vials (100 ml each) of Onerex Cough Syrup which contains codeine phosphate.

Learned counsel for the petitioner submits that quantity of prohibited substance i.e. codeine phosphate comes to 3.75 gram in total, which would not fall in commercial category. He relies upon a judgment passed by a Coordinate Bench in **Rajvir Singh @ Raju vs. State of Punjab (CRM-M-35080-2018, decided on 21.08.2018).**

The issue “whether the prohibited substance only is to be taken into consideration or the entire solution/liquid is to be considered for calculating commercial quantity” is pending before a larger Bench of

Hon'ble the Supreme Court in the case of **Hira Singh and another vs. Union of India and another, (2017) 8 SCC 162.**

Petitioner is not involved in any other case under the NDPS Act as per the information supplied by learned counsel for the State. Investigations are complete. The petitioner is in judicial custody since 01.11.2018.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in judicial custody since 01.11.2018 and the hearing of the case is likely to take long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly the petition is allowed with the aforesaid directions.

November 16, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No