

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

**CRM-M-23136-2019 (O&M)
Date of Order:04.12.2019**

Kamalveer Singh

..Petitioner

Versus

State of Punjab

..Respondent

CRM-M-36677-2019 (O&M)

Karamjit Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S.Salana, Advocate,
for the petitioner (in CRM-M-23136-2019)

Mr. Gautam Kumar, Advocate
for the petitioner (in CRM-M-36677-2019)

Mr. Bhupender Beniwal, AAG, Punjab

ANIL KSHETARPAL, J(Oral)

By this order, CRM-M-23136-2019 and CRM-M-36677-2019 arising from a common criminal case registered vide FIR No.416, dated 20.12.2018, registered under Section 22 of the NDPS Act, at Police Station City Rajpura, District Patiala, shall stand disposed of.

As per the case of the prosecution, Kamalveer Singh, Sandeep Singh and Karamjit Singh were travelling in a car and on being checked, it was found that the accused are in conscious possession of 40 injections labeled as 'LEEGESIC" salt Buprenorphine Hydrochloride and 40 injections of Avil containing salt Pheniramine Maleate. It is not contested that 40 injections of Avil does not contain any prohibited substance.

Petitioners are in custody since 21.12.2018. Each vial had 2ml

liquid. At this stage, it would be debatable as to whether the alleged recovery from the petitioners falls in commercial category or not? The question as to whether actual contents of the prohibited substance or the entire drug which also has neutral substances are to be considered for determining the quantity allegedly recovered is pending consideration before the Larger Bench of the Hon'ble Supreme court in the case of **Hira Singh and another vs. Union of India and another, (2017) 8 SCC 162.**

The menace of drugs is eating away youth of Northern India. Therefore, before granting bail, the Legislature in its wisdom has categorized various categories. As of now, the total recovery is required to be taken into consideration.

In view thereof, this court is not inclined to order release of the petitioner on bail, at this stage. The present petition is disposed of by observing that petitioner shall be entitled to move a fresh application after the references by the larger Bench are decided.

04th December, 2019
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(ANIL KSHETARPAL)
JUDGE

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