

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

CRM-M-35631-2019

Date of Decision:03.09.2019

Baljinder Singh

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Navneet Jindal, Advocate for the petitioner.
Mr.SPS Tinna, Addl. Advocate General, Punjab.

ANIL KSHETARPAL, J.

Petitioner prays for grant of bail in a case arising out of FIR No.237 dated 03.10.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Civil Lines, District Bathinda.

As per the case of prosecution, the petitioner was found in possession of 24 bottles of ONEREX and 240 tablets of CARISOMA. CARISOMA does not fall in the Schedule provided under the Narcotic Drugs and Psychotropic Substances Act, 1985. As per the label on the bottles, ONEREX syrup contains Codeine Phosphate. If the court calculates actual content of the drug in 24 bottles, the total quantity of Codeine Phosphate would come out to 4.8 gms.

Learned counsel for the petitioner submitted that this issue is pending for 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 petitioner is in custody since 04.10.2018 and has already undergone for a period of 10 month and 28 days. Investigations are complete. Challan has been presented. As per the custody certificate, petitioner was involved in another case under NDPS Act but he has been acquitted vide judgment dated 16.07.2019.

Without commenting on the merits of the case and keeping in view the aforesaid facts as also conclusion of the trial is likely to take time, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Disposed of.

03.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No