

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

228

**CRM-M No. 49814 of 2019
Date of decision : 28.11.2019**

Happy Singh @ Mintu

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. B.S. Jatana, Advocate, for the petitioner
Mr. Harbir Sandhu, AAG, Punjab

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 267 dated 24.8.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act), Police Station Sadar Mansa.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. But even as per the case of the prosecution, recovery from the petitioner is of 11 bottles of cough syrup Onerex containing Codeine Phosphate, and 110 tablets of Carisoma containing Carisoprodol. However, as per the FSL report, the actual quantity of codeine phosphate found in the cough syrup Onerex is 9.9 mg/5 ml, which is less than the small quantity prescribed for the respective substances under the NDPS Act and from the 110 tablets of Carisoma, Carisoprodol salt has been found, which is not a prohibited substance. The counsel for the petitioner has relied upon the judgment of this Court rendered in **CRM-M-35080 of 2018 - [Rajvir Singh @ Raju v. State of Punjab](#)**, decided on 21.08.2018, to support his contention. It

is further contended that the applicant is in custody since 24.8.2019 and there

is no other case against the petitioner.

On the other hand, learned counsel for the State, being instructed by the police official, submits that a heavy recovery of prohibited substance was effected from the petitioner. However, the result of the FSL report has not been disputed by the State counsel. It is also not disputed that the petitioner is in custody since 24.8.2019 and that there is no other case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

28.11.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No