

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

(Proceedings conducted through video Conference)

Date of decision: 27.07.2020

CRM-M-15481-2020 (O&M)

205

MANDEEP SINGH ALIAS CHEENU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Swarn Tiwana, Advocate for the petitioner.
Mr. Harpreet Singh Multani, Asstt. AG, Punjab.

REKHA MITTAL, J. (Oral)

CRM-17558-2020 in/and CRM-M-15481-2020

Counsel for the applicant-petitioner would state that the main petition may be dismissed as withdrawn.

Ordered accordingly.

Before parting with this order, it is pertinent to mention that Special Judge allowed bail application of co-accused Gurpreet Singh vide order dated 27.05.2020. A relevant extract from para 4 of the order, reads as follows:-

As per the prosecution story, accused was apprehended by the officials of police station Khamanon on 04.10.2019 and 420 Lomotil tablets and 420 Alprax05 tables which falls within the quantitative limit of commercial quantity. But perusal of the FSL report shows that 420 lomotil tablets contain 26.46 of salt Diphneoxylate (above 50 grams commercial) and 420 tablets of Alprex contain 50.04 of salt Alprazolam (above 100 grams commercial) and the above said quantity of the tablets, due to different salt, falls within non commercial range.

The Special Judge either did not keep herself updated with the latest position in law or did not bother to examine the case in the light of latest judgment of Hon'ble the Supreme Court **Hira Singh and another Vs. Union of India and another, 2020(2) RCR (Criminal) 523** wherein it has been held that in case of seizure of mixture of narcotic drugs or psychotropic substances with one or more neutral substance(s), quantity of neutral substance(s) is not to be excluded and to be taken into consideration along with actual content by weight of offending drug, while determining

small or commercial quantity of narcotic drugs or psychotropic substances.
The State would be at liberty to file an appropriate application in the light of
judgment in **Hira Singh and another's case (supra)**.

27.07.2020

ashok

Whether speaking/reasoned:
Whether reportable:

(REKHA MITTAL)
JUDGE

Yes / No
Yes / No