

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 15905 of 2020

Date of Decision: 10.09. 2020

Kuldeep Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gagandeep Singh Manku, Advocate
for the petitioner(s).

Mr. Amit Mehta, Senior Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No. 67 dated 07.07.2019, registered under Sections 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as “the 1985 Act”), at Police Station Sadar Phagwara, District Kapurthala.

As per the case of the prosecution, the petitioner was apprehended with 810 grams of intoxicant powder, five intoxicant injections G-Norphine 2 ML each and seven intoxicant injections of Omgesic 2 ML each.

Learned counsel for the petitioner contends that the percentage of Alprazolam, the prohibited substance in the powder, has been found only to the extent of 0.13% by the Forensic Science Laboratory. He submits that if actual contents are taken into consideration, the alleged recovery would

fall in non-commercial quantity.

On the other hand, learned State counsel has submitted that the petitioner is a habitual offender as he is involved in two more cases apart from the present one under the 1985 Act. He further contends that as per the judgment passed by Five Judges Bench of the Hon'ble Supreme Court of India in *Hira Singh and Another v. Union of India and Another (Criminal Appeal No. 722 of 2017, decided on 22.04.2020)*, the entire quantity is to be taken into consideration while calculating total quantity of narcotics recovered..

Keeping in view the facts of the case, this Court is not inclined to grant bail to the petitioner.

Dismissed.

(Anil Kshetarpal)
Judge

September 10, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No