

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

**CRM-M-23707-2020
Date of decision: 29.10.2021**

Mandeep Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Jashandeep Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 127 dated 22.12.2019, registered under Section 22 of the NDPS Act, 1985 at Police Station GRP Bathinda, District Bathinda.

Learned counsel for the petitioner submits that the FIR was registered at the instance of ASI Shamsher Singh, posted in Railway Police, it is stated that while on patrol duty, he noticed that one person deboarded a train along with two boxes and on seeing the police party, he started moving very fast. In that process, he lost his balance and from the bags, which he was carrying, certain bottles and some strips of intoxicant tablets scattered on the platform. He was apprehended by the complainant and thereafter, by following a procedure, recovery of 40 vials of *Wincirex* Syrup of 100 ml each (total 4000 ml) and 40 strips of *Carisoprodol* containing 10 tablets each (total 400 tablets) was effected.

Learned counsel further submits that *Carisiprodol* tablets do not fall under the psychotropic substance; the petitioner is in judicial custody for the last about 01 year and 08 months; out of total 11 prosecution witnesses, only 04 witnesses have been examined so far and the petitioner is not involved in any other case.

Learned counsel further submits that it will be a matter of trial whether the proper procedure prescribed under Sections 42 and 50 of the NDPS Act was followed or not.

Learned State counsel, on the basis of the affidavit of the Jail Superintendent, has submitted that though the petitioner was under some medical treatment but at present, he has recovered, however, this fact is not disputed that out of total 11 prosecution witnesses, only 04 witnesses have been examined so far and the petitioner is not involved in any other case.

After hearing learned counsel for the parties, considering the aforesaid submissions of learned counsel for the parties as well as the facts and circumstances of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

29.10.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No