

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207 CRM-M-43908-2022
Date of Decision: 17.11.2022

Haider Ali Petitioner
Versus
State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mohd. Shahid Hussain , Advocate for the petitioner.
Mr. Manish Bansal, D.A.G, Haryana.

ANOOP CHITKARA, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C for anticipatory bail in case FIR No. 220 dated 22.08.2022 (wrongly mentioned 20.08.2022 in impugned order as Annexure P-2) under Sections 7 of Essential Commodities Act, 1995; 27 (B) (ii) & 28 of Drugs and Cosmetics Act, 1940 and 22(B) of NDPS Act registered at Police Station Pinangwan, District Nuh.

Counsel for the State on instructions submits that quantity involved in the present case falls in the commercial category and has handed over the instructions, the same be read as follows:-

Sr. No.	Name of Product	Quantity	Label Claim of ingredients which falls under NDPS Act	Sr. No. m table of NDPS Act specifying small quantity and commercial quantity
1.	Codeine Phosphate	1080*100 ml	Each 5 ml contains codeine phosphate-10 mg. Each ml contains-2 mg. (As per label) Total quantity in 1080 bottles hence-10,8000 ml-10,8000ml X 2 mg-216000 mg Total quantity in gms- 216000/1000= 216 gms.	22.2 gm i.e. more than small quantity as per Sr. No. 28
2.	Alprazolam	55X10X6X10 tablets=33000 tablets	Each uncoated tablet contains Alprazolam IP-0.5 mg Total quantity in 33000 tablets hence-33000X0.5 mg= 16500 mg Total quantity in gms- 16500/1000=16.5 gms	16.5 gm i.e more than small quantity as per Sr. No. 178

Counsel for the petitioner seeks bail on the grounds that the petitioner is a student of 24 years, he has no criminal history and drugs involved are commonly available. No independent witnesses were joined.

Thus, the quantity allegedly involved in this case is commercial. Given this, the rigours of S. 37 of the NDPS Act apply in the present case. The burden is on the petitioner to satisfy the twin conditions put in place by the Legislature under Section 37 of the NDPS Act.

Given above, no case for interim protection is made out and the same is dismissed. All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

17.11.2022
Jyoti-II

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No