

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

**CRM-M-47143-2022
Date of decision : 09.12.2022**

Rajwinder Ram **..... Petitioner**

versus

State of Punjab **..... Respondent**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. R.K. Girdhar, Advocate
for the petitioner.

Mr. Jaiteshwar Singh, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

On 18.10.2022, the following order was passed:-

“This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.106 dated 10.07.2022 registered under Section 22(b) of the NDPS Act 1985 at Police Station Kabarwala, District Sri Muktsar Sahib.

At the outset, State counsel fairly submits that from the report received from forensic lab, the contents of the contraband have been found to be Chlorpheniramine Maleate and the same does not fall within the ambit of Psychotropic Substance as enumerated under the NDPS Act 1985. However, he submits that the prosecution has already submitted a request before the trial Court to seek clarification from the concerned Lab and till then it will be highly debatable as to whether offence punishable under Section 22(b) of the NDPS Act, will be made out or not?

In view of the aforesaid circumstances, the petitioner is ordered to be released on interim bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.*
- (ii) The petitioner shall not tamper with any evidence oral or documentary.*
- (iii) The petitioner shall not commit any offence similar to the one alleged in the present case.*
- (iv) The petitioner shall deposit his passport.*
- (v) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*

List on 09.12.2022.”

2. As per instructions of the State counsel, the clarification is still pending.
3. In view of the aforesaid fact that the contents of contraband alleged to have been recovered from the petitioner does not fall within the ambit of Narcotic Drugs and Psychotropic Substance as enumerated under the NDPS Act 1985, the order dated 18.10.2022 is made absolute. However, liberty is granted to the State to move an appropriate application after receiving clarification in case as per such clarification, the earlier report is found to be incorrect.

4. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

09.12.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No