

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(THROUGH VIDEO CONFERENCING)

CRM-M-52950-2021

Date of Decision: 9.3.2022

Iqbal Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Jasleen Kaur, Advocate
for the petitioner.

Mr. S.S.Deol, DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.44 dated 1.9.2021 registered for the offences punishable under Sections 22, 27, 29, 61, 85 of NDPS Act at Police Station GRP, Sangrur.

Counsel for the petitioner submitted that as per allegations appearing on record, 10 bottles of Wincrex 100 ml each were recovered from the petitioner by the police on 1.9.2021. He further submitted that aforesaid quantity of 1000 ml is equal to 1 Kg. and as per entry No.28 of Central Government Notification No.1055(E) dated 19.10.2001, possession of only more than 1 Kg. of Codeine falls in commercial quantity. He further contended that the petitioner is in custody since 1.9.2021. So, prayer is made for grant of regular bail to the petitioner.

Counsel for the State opposed the present petition but at the

the day when the FIR was registered in the present case and also admitted that the present case is covered under non-commercial quantity of contraband as per the provisions of NDPS Act. The State in its status report dated 24.1.2022 admitted the fact that no other criminal case is pending against the petitioner.

Present case is relating to recovery of 10 bottles of Wincrex 100 ml each containing Codeine which comes out to be 1000 ml and is to be considered equal to 1 kg. as has been held by Coordinate Bench of this Court in CRM-M-811-2014; Iqbal Singh v. State of Punjab decided on 10.2.2014. So, recovery in the present case, does not fall in the category of commercial quantity as per entry No.28 of Central Government Notification No.1055 (E) dated 19.10.2001.

Admittedly, after completion of investigation, challan has been presented against the petitioner but the trial is at its initial stage and most of the material witnesses are yet to be examined.

It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 9, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No