

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

**CRM-M-14367 of 2017**  
**Date of Decision: 18.07.2017**

Mewa Singh

....Petitioner

**VERSUS**

State of Punjab

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. P.S. Sekhon, Advocate  
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

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**SURINDER GUPTA, J.(Oral)**

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.28 dated 17.02.2016 registered for offences punishable under Sections 15 and 22 of Narcotics Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Patran, District Patiala.

Heard.

Recovery in this case from the petitioner is of 2 kgs. 500 gms. of poppy-husk and 1500 tablets weighing 93 gms. of Diphenoxylate Hydrochloride, which fall in commercial quantity of contraband.

Learned counsel for the petitioner submits that option given to petitioner to get his search conducted before a Magistrate or a gazetted officer was not in accordance with provisions of Section 50 NDPS Act and secondly, the police has drawn sample of 20 tablets from 1500 tablets and it cannot be stated that all the 1500 tablets were of same salt.

Sample of 20 tablets each was taken randomly, so at this stage

it cannot be stated that it was not a representative sample. The petitioner was apprised of his right to get his search conducted before a Magistrate or a gazetted officer. He was also given option that he can be taken alongwith bag containing contraband articles before some gazetted officer or a Magistrate. This is *prima facie* compliance of Section 50 of NDPS Act. As to whether there is non-compliance of Section 50 NDPS Act, is a matter to be determined after recording of evidence.

Keeping in view above facts, the instant petition is dismissed.

However, it is made clear that nothing observed herein shall have any impact on final disposal of the case by the trial Court.

July 18, 2017  
jk

( SURINDER GUPTA )  
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No