

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRL. MISC. No.M-18444 OF 2017
DATE OF DECISION : 18th JULY, 2017

Mehtab Alam

.... **Petitioner**

Versus

The State of Punjab

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. R. S. Rai, Senior Advocate with
 Mr. Karan Pathak, Advocate for the petitioner.
 Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No.67 dated 09.08.2016, registered for offence under Sections 22, 61, 85 of the NDPS Act, at Police Station GRP-Sirhind, District GRP-Sirhind, Fatehgarh Sahib.

Learned counsel for the petitioner submits that the petitioner is alleged to have been apprehended with 30 pouches containing 60 tablets each i.e. total 1800 tablets of Lemotil, but only two samples of 20 tablets each were sent for chemical analysis and as such, there would be a violation of the ratio of judgment passed by the Supreme Court in **Gaunter Edwin Kircher Vs. State of Goa**, 1993 SCC (Criminal), 803.

The factual position has not been denied by learned State counsel. It having been held in ***Gaunter Edwin Kircher's case (supra)***, (even though that was pertaining to small quantity), that each packet as has been seized, must be sent for analysis to determine as to whether each

of the packet contained contraband as alleged, and the petitioner in this case already having been in custody for about 11 months and there is no other case pending against the petitioner, without making any comment on the merits of the case, I deem it appropriate to admit the petitioner to bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

However, it is made clear that nothing observed herein-above will be taken to be a final comment on the merits of the case, which would be gone into by the trial court after appraisal of the evidence led before it.

Bail to the satisfaction of the concerned CJM/Duty Magistrate.

18th JULY, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>