

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

**Crl. Misc. No.M-21473 of 2017 (O&M)
Date of Decision: July 21, 2017.**

Ranjit Singh @ Rana

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Piyush Sharma, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G., Punjab.

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. 240 dated 05.12.2015 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short-NDPS Act), at Police Station City Ferozepur, District Ferozepur.

Heard.

The recovery effected from the petitioner in this case is of 260 grams of intoxicating powder which as per report of FSL was Alprazolam.

Learned counsel for the petitioner seeks bail to the petitioner on two grounds; firstly, that in the FIR, colour of the powder recovered from the petitioner is not mentioned; secondly, as per report of FSL, 0.33% Alprazolam found in the sample of 10 gms., as such, quantity of entire intoxicating powder recovered cannot be taken as quantity of contraband.

He further submits that sample in this case was not taken before the Magistrate in contravention of provisions of Section 52-A NDPS Act.

The recovery effected from the petitioner is of commercial quantity. As per Section 37 NDPS Act, he is not entitled to bail. Powder recovered from the petitioner was sent to Forensic Science Laboratory and was found to be Alprazolam. It is the whole quantity of the powder recovered from the petitioner which is to be taken into account while ascertaining the total quantity of contraband recovered. Provisions of Section 52-A were incorporated in the NDPS Act for the purpose of disposal of seized drugs and narcotics. The case property after recovery is produced before the Magistrate, who draws a representative sample so that entire remaining case property may be disposed of. Observation to this effect were also made by the Apex Court in case of ***Union of India Vs. Mohanlal and Anr. 2016(3) SCC 379.***

Learned State counsel submits that after his arrest, petitioner was released on interim bail due to non-receipt of report of FSL. After the cancellation of interim bail, he could be arrested in March, 2017 and due to this reason, trial could not proceed further.

Keeping in view the above facts, I find no merit in this application. The same is dismissed.

July 21, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***