

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28996 of 2017 (O&M)

Date of Decision: 13.09.2017

Kavita

....Petitioner

VERSUS

U.T. Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.D. Sharma, Advocate
for the petitioner.

Mr. J.S. Toor, APP, U.T. Chandigarh.

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.5 dated 04.01.2017 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sector 11, Chandigarh.

Heard.

Learned counsel for the petitioner has raised two issues for grant of bail to petitioner. Firstly, that the petitioner is in custody for the last about nine months; and secondly, all the injections recovered from the petitioner were not sent to FSL.

The investigating agency has to prove before the trial Court that the contraband recovered from the petitioner, from which two representative samples were sent to FSL, falls in commercial quantity. To determine this fact, total recovery effected from accused is to be seen, which admittedly was of commercial quantity. Representative samples were drawn and sent to

FSL to analyze the nature of contraband recovered from petitioner. Keeping in view commercial nature of recovery of contraband and provisions of Section 37 of NDPS Act but without commenting on merits of the case, I find no merit in the instant petition and the same is dismissed at this stage.

September 13, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No