

**THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

210

CRM-M-10168 of 2018

Date of decision: 27.08.2018

Resham Singh @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr.Dhruv Gupta, Advocate for the petitioner.

Mr.A.S.Sandhu, Addl. A.G.Punjab.

GURVINDER SINGH GILL, J.

Petitioner Resham Singh @ Sunny has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.103 dated 07.07,2017, under Section 22 of the NDPS Act, 1985, at Police Station Jhabal, District Tarn Taran.

The petitioner was found in possession of 1235 intoxicating tablets and upon analysis of the sample tablets, it was found that the net weight of each tablet is 126 Mg. Thus the total weight of recovered tablets works out to 155 grams. Each of the tablet was found to contain .23 mg. of '*Alprazolam*'.

Learned counsel for the petitioner has submitted that it is only the active ingredients of each tablet which has been taken into account and in case the same is taken into account, the actual weight of recovered contraband would be much less than 100 grams, above which it is commercial quantity.

As per Central Government notification dated 18.11.2009 with regard to NDPS Act, it is the entire weight including the neutral contents

which have to be taken into account. Thus, in the present case, the weight of recovered tablets being 155 grams, the same falls within the category of commercial quantity.

It has been informed by the learned State counsel that one more case under NDPS Act is pending against the petitioner.

Having regard to the facts and circumstances of the case and the quantity recovered, I find that no case is made out for grant of bail. As such, the petition is dismissed.

Since it has been informed by the learned State counsel that despite the charges having been framed in January 2018, not even a single witness has been examined, the trial Court is directed to take effective steps for ensuring that the trial is concluded expeditiously, preferably within one year. The trial Court shall plan schedule in advance for summoning the witnesses and may take the assistance of the concerned SSP for securing timely presence of all the prosecution witnesses.

(GURVINDER SINGH GILL)
JUDGE

27.08.2018

ANJAL

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No