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

**CRM-M No.45336 of 2017
Date of Decision: 10.01.2018**

SUKHA SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.126 dated 15.09.2017, registered under Section 22 of the NDPS Act at Police Station Kabarwala, District Sri Muktsar Sahib.

As per prosecution story, 20 strips of tablets make X-L PAM 0.5 mg (Alprazolam) containing 50 tablets in each strip i.e. 1000 tablets in total and three boxes of tablets make Etizol each containing 10/10 strips of 50 tablets each i.e. 1500 tablets in total were recovered.

Learned counsel for the petitioner by referring to the

Schedule contends that the contents of 5 grams of Alprazolam is the quantity prescribed for small quantity, whereas commercial quantity is 100 grams. If necessary calculations are made, the weight of 1000 tablets of Alprazolam would come out to be 50 grams, however no weight of 1500 tablets of Etizol has been shown and the composition of the said contraband is also not clear from the report of FSL.

Learned counsel further submitted that Alprazolam is covered under serial no.30 of the Schedule appended to the NDPS Act 1985, but in view of recommendations of Review Committee Alprazolam is also covered under Schedule (H) of Drug and Cosmetics Act, 1940.

This Court in **CRM-M No.34998 of 2016** titled '**Rachhpal Singh @ Goldi vs. State of Punjab**'; **CRM-M No.40769 of 2014** titled '**Baldev Singh vs. State of Punjab and another**' and **Parveen @ Dunga vs. State of Punjab, 2014(33) RCR (Criminal) 46** has considered the composition of salt in Alprazolam and has granted bail to the accused.

In the instant case, two contrabands have been involved, the composition of Etizol has not been established in Analyst's report with reference to weight of the tablets and percentage of contraband, therefore, it would be appropriate to

grant bail to the petitioner on his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court. Ordered accordingly.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 10, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No