

CRM-M-1904-2019

[1]

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

**CRM-M-1904 of 2019 (O&M)
Date of decision: March 05, 2019**

Gurmail Kaur

...Petitioner

Vs.

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This is a petition under Section 439 CrPC seeking regular bail in case FIR No.56 dated 24.5.2018 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Jhunir, District Mansa.

As per the allegations in the FIR the petitioner has been found in possession of 250 tablets of Alprasafe 0.5, 200 Tablets of Tredol-100 and 550 loose Tablets marked as NEUTEC.

As per report of the Chemical Examiner, Alprazolam salt was detected in the Alprasafe tablets and Tramadol salt was detected in Tredol-100 tablets and the loose tablets marked as NEUTEC.

Learned counsel for the petitioner has contended that of the 550 loose tablets only 10 tablets were sent for chemical examination in which the salt 'Tramadol' was detected. He relies on a decision of this Court in **State of Punjab**

vs. Dharam Singh 2010(3) RCR(Crl.) 94 to contend that where only a small

sample from amongst the loose tablets is sent for chemical examination, it is not possible to presume that all of them contained the same salt. If the content of the tablets in strips and the ten loose tablets sent for chemical examination is considered, the quantity is non-commercial.

Learned State counsel on the other hand states that the total quantity recovered is commercial quantity, as detailed below:-

“PS JHUNIR

DIST. MANSA

SUB: Total quantity and Weight of Recovery in FIR No.56 dated 24.5.18 u/s 22/61/85 NDPS Act, PS Jhunir as per Chemical Report :

Type of Recovery	Average Weight	Total Recovery	Total Weight in Mg.	Total Weight in Grams
Alprasafe 0.5 (Alprazolam)	122.72 Mg/Tablet	250 Tablets	30680 Mg	30.68 Grams

Type of Recovery	Average Weight	Total Recovery	Total Weight in Mg.	Total Weight in Grams
Tablet in Strips Tredol-100 (Tramadol)	843.49 Mg/Tablet	200 Tablets	168698 Mg	168.698 Grams
Pink Coloured Loose Tablet	897.68 Mg/Tablet	550 Tablets	493724 Mg	493.724 Grams
Total		750 Tablets	622422 Mg.	662.422 Gms.

Alprasafe 0.5 (Alprazolam) Total Recovery Weight = 30.69 Gms

Tramadol Hydrochloride = 662 GMS 422 Mg

TOTAL = 693 GMS 102 Mg total

sd/- SHO , PS Jhunir”

It may not be possible to accept the contention of the learned State counsel in view of the decision of in **Dharam Singh's** case (supra). Only 10

tablets from amongst 550 loose tablets were sent for chemical examination, which

were found to contain 'tramadol'. This quantity is not commercial quantity. The petitioner is in custody since 24.5.2018.

In view of the aforesaid and the fact that the trial of the case may considerable time to conclude, without in any way commenting on the merits of the case, the petitioner is ordered to be released on bail on her furnishing requisite bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate.

March 05, 2019

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No