

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

210

CRM-M-13309-2019  
Date of decision: 01.04.2019

Gurjant Singh

.....Petitioner

versus

State of Punjab

....Respondent

**CORAM: Hon'ble Mr. Justice Harinder Singh Sidhu**

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

Ms. Samina Dhir, DAG, Punjab.

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**HARINDER SINGH SIDHU, J.**

This is a petition under Section 439 Cr.PC 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(CrI.) 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<br>in Mg. | Total Weight<br>in Grams |
|-------------------------------|------------------|----------------|------------------------|--------------------------|
| Alprasafe 0.5<br>(Alprazolam) | 122.72 Mg/Tablet | 250 Tablets    | 30680 Mg               | 30.68 Grams              |

| Type of Recovery                             | Average Weight  | Total Recovery | Total Weight<br>in Mg. | Total Weight in<br>Grams |
|----------------------------------------------|-----------------|----------------|------------------------|--------------------------|
| Tablet in Strips<br>Tredol-100<br>(Tramadol) | 843.49Mg/Tablet | 200 Tablets    | 168698 Mg              | 168.698 Grams            |
| Pink Coloured<br>Loose Tablet                | 897.68Mg/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 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 take 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 his furnishing requisite bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

Accordingly, petition is allowed.

(HARINDER SINGH SIDHU)  
JUDGE

01.04.2019  
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|-----------------------------|--------|
| Whether speaking/ reasoned: | Yes    |
| Whether Reportable:         | Yes/No |