

CRM-M-13424-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.215

Case No. : CRM-M-13424-2023

Date of Decision : May 26, 2023

Pooja Petitioner
vs.
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Manan Bhardwaj, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

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GURBIR SINGH, J. :

Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.0150 dated 03.08.2022, under Section 22 of NDPS Act, registered at Police Station City 2, District Mansa.

Pursuant to order passed by this Court on the last date of hearing, Status Report by way of affidavit of Sanjeev Goyal, PPS, Deputy Superintendent of Police, Sub-Division Mansa, District Mansa, has been filed, which is ordered to be taken on record.

As per version of the prosecution, on 03.08.2022, police party was doing routine patrolling. They saw one man and one woman standing on the way carrying a red colour kit bag. They were apprehended on

suspicion. Their search was conducted. From the bag, which they were carrying, 100 strips of intoxicant tablets, each strip containing 60 tablets (6000 tablets in total) were recovered. Each strip was bearing make ALPRAZOLAM Tablets I.P. 0.5 mg “ALPRASAFE 0.5”, with manufacturing date as 06/2021 and expiry date as 05/2024.

Learned counsel for the petitioner has submitted that challan in the present case has been presented. The petitioner is in custody since 03.08.2022. She is having a small child. Recovery is not from the conscious possession of the petitioner. Therefore, she be released on bail.

Learned State counsel, on the other hand, has opposed the prayer made by learned counsel for the petitioner. He has submitted that recovery from the petitioner is of commercial quantity. It was a chance recovery. The challan has been presented in the Court and trial of the case is going on.

Heard.

As per prosecution version, on search of red colour kit bag which was in possession of the petitioner and her co-accused, 100 strips of intoxicant tablets, each strip containing 60 tablets (6000 tablets in total) were recovered. Each strip was bearing make ALPRAZOLAM Tablets I.P. 0.5 mg “ALPRASAFE 0.5”, with manufacturing date as 06/2021 and expiry date as 05/2024.

As per report of the Forensic Science Laboratory, the tablets were found containing ALPRAZOLAM and average weight of each tablet

was found to be 120.43 mg. Thus, total weight of the recovered intoxicant tablets came out to be 722.58 grams.

As per the Notification dated 16.07.1996 specifying ‘small quantity’ and ‘commercial quantity’, Alprazolam is listed at Sr. No.178. As per the said Notification, 100 gm of Alprazolam comes under the commercial quantity. Recovery from the petitioner and her co-accused is 722.58 gram which clearly falls under the commercial quantity.

The menace of drugs is eating our Society at a high level. Many deaths are reported in this part of country due to consumption of such type of drugs. Many young people are losing their lives. Therefore, keeping in view bar under Section 37 of the NDPS Act, but without discussing the merits of the case, I am of the view that the petitioner does not deserve the concession of regular bail, at this stage.

Dismissed.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

May 26, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.