



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-14427-2023 (O&M)
Date of Decision:-12.8.2024

Gagandeep Singh @ Ganga ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pawan Malik, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Dalbir Singh.

FIR No.	Dated	Police Station	Section/s
94	5.5.2022	Lambi, District Sri Muktsar Sahib	22(C) of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. As per the case of prosecution, the petitioner was apprehended by the police while he was carrying a transparent polythene bag in his hand. Upon checking the said bag, 410 tablets of ‘Clovidol 100-SR’, 190 tablets of ‘Celcidal’ and 360 tablets of ‘Tramadol Hydrochloride’ Trinktek-SR were recovered. The samples drawn from the said recovered tablets were sent for chemical examination in 3 different parcels. The parcels are described in the Forensic Science Laboratory report as under:-



“Exhibit 1 : Ten (10) while coloured tablets in a strip labelled as ‘CLOVIDOL 100 SR’ Tramadol Hydrochloride Tablets 100 mg bearing Batch No. TVD-20052, MFG. MAY 2020, EXP. APR 2023.

Average Weight = 410.03 mg/tablet

Exhibit 2 : Ten (10) while coloured tablets in a strip labelled as ‘CELCIDAL 100 SR’ bearing Batch No. 21B-T187, MFG. MAY 2021, EXP. APR 2023.

Average Weight = 447.64 mg/tablets

Exhibit 3 : Ten (10) while coloured tablets in a strip labelled as ‘Trintek-SR’ bearing Batch No. ADH583, MFG. 10/2020, EXP. 09/2023.

Average Weight = 407.24 mg/tablets.”

3. In column No.8 of the aforesaid report, the result of the chemical analysis is stated as under:-

“Parcel Exhibit 1:

Ingredient present	Average quantity of ingredient present in parcel exhibit 1.
Tramadol Hydrochloride	99.17 mg/tablet

Parcel Exhibits 2 and 3:

Chlorpheniramine Maleate : Found present in the tablets contained in the parcel exhibits 2 and 3.”

4. Learned counsel for the petitioner submits that since it is only the ingredients of parcel Exhibit-1 i.e. ‘Clovidol 100 SR’, which were found to contain ‘Tramadol Hydrochloride’, whereas the contents of parcels Exhibits-2 and 3 were found to contain ‘Chlorpheniramine Maleate’, which is not covered under NDPS Act, therefore, the petitioner at best can be attributed a recovery of 410 tablets of Tramadol Hydrochloride with each tablet weighing 410.03



mg. and that the total weight of the recovered Tramadol Hydrochloride would work out to 168.112 grams.

- 5. Learned counsel for the petitioner submitted that having regard to the fact that the recovered contraband falls in the category of ‘non-commercial’ quantity and also the fact that the petitioner has been behind bars since the last more than 1 year and 4 months and that as on date only 2 PWs out of cited 15 PWs have been examined, further detention of the petitioner would be unjustified.
- 6. Opposing the petition, learned State counsel submitted that although the recovered contraband may fall in the category of ‘non-commercial’ quantity but given the fact that the petitioner is a habitual offender having been involved in 4 other NDPS cases, he does not deserve to be released on regular bail.
- 7. This Court has considered rival submissions addressed before this Court.
- 8. Keeping in view the fact that it is a case of recovery of non-commercial quantity of contraband and the fact that despite a period of 1 year and 4 months having elapsed, the trial has not made much headway, further detention of the petitioner is certainly not justified.
- 9. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.8.2024
Pankaj/G

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No