



**edIN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

314

CRM-M-64286-2024 (O&M)
Date of decision: 13.01.2025

Manjot Singh @ Jotta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raghav Chadha, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner for grant of regular bail to the petitioner in FIR No. 55 dated 31.03.2024, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station Mahilpur, District Hoshiarpur. The first bail petition filed by the petitioner was dismissed by this Court on 30.09.2024.

2. In addition to arguments raised in the first petition, learned counsel for the petitioner has argued that a perusal of the contents of the FIR reveals that there was no mention about the batch numbers of the strips containing intoxicant tablets, which were allegedly recovered from petitioner and in that eventuality, the entire bulk parcel was required to be sent for chemical analysis. However, a perusal of the FSL report would reveal that only 15 tablets, out of total 150 tablets, were sent by the prosecution for chemical analysis. Hence, the parcel of

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one strip containing 15 tablets cannot be termed as representative sample of alleged recovery of 10 strips containing 15 tablets each and the recovery only to the extent of 15 tablets could be termed to be narcotic substance. A perusal of the FSL report would also show that the average weight of one tablet was found to be 111 milligrams, which means that the total weight of 15 tablets would be only 1.66 grams and it does not fall within the ambit of commercial quantity qua *Etizolam* salt. In this regard, learned counsel for the petitioner has placed reliance upon the authorities cited as ***Inderjeet Singh vs. State of Punjab : 2021 (3) Law Herald 1902***, ***Pargat Singh @ Pagga vs. State of Punjab*** : CRM-M-6756-2021, decided on 31.08.2021 and ***Kulwinder Singh @ Kinda vs. State of Punjab*** : CRM-M-39265-2019, decided on 12.11.2020, whereby in similar circumstances, the accused persons were granted concession of regular bail by this Court. Learned counsel for the petitioner has also placed on record a copy of zimni order dated 03.01.2025, passed by the learned trial Court, to show that trial is at the initial stage and the conclusion of the same will take a long time. The petitioner is in judicial custody since 31.03.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

3. *Per contra*, learned State counsel, in terms of the status report which is available on record, has opposed the prayer of the petitioner by submitting that he is not entitled to get concession of regular bail as a commercial quantity of the contraband was recovered from him. She has placed on record a copy of order dated 01.04.2023 passed by the Judicial Magistrate First Class, Garhshankar to submit that the batch number was mentioned on all the strips. It is, thus, argued that the petition is liable to be dismissed.

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4. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

5. The petitioner was apprehended by the police party on 31.03.2024 and recovery of 150 tablets of *Etiron* 0.5 having salt of *Etizolam* along with one country made pistol and 03 live cartridges was effected from him. Out of 150 tablets, one strip containing 15 tablets was sent for chemical analysis. The only ground taken by the petitioner in the present petition is that since the strips containing intoxicant tablets were not bearing any batch number, date of manufacturing or expiry date, therefore, in view of the ratio of law as laid down in aforecited judgments, the entire bulk parcel was required to be sent for chemical analysis and in the absence of the same, it will be a moot point that the parcel containing one strip of 15 tablets is to be considered as representative sample of the entire recovered tablets or not ? However, a perusal of order dated 01.04.2024, passed by the Magistrate concerned, shows that it is specifically mentioned in the order that the batch number, manufacturing date and expiry date was mentioned on all the strips. Hence, it cannot be stated that the sample parcel cannot be termed as representative of alleged recovery of 10 strips containing 15 tablets each. Hence, the petitioner has failed to make out any case for grant of regular bail, at this stage. Accordingly, the present petition is dismissed.

6. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

13.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No