

Paramjit Kaur alias Pammi Vs. State of Punjab

B.A.No.2998 dated 01.11.2017
CNR No.PBKP01-005220-2017
Date of decision: 14.02.2018.

Present: Sh. Naveen Kapoor Advocate, for applicant/ accused.
Sh.Arvind Sahai, Addl. Public Prosecutor for the State
alongwith Investigating Officer.

ORDER

Learned Addl.PP for the State alongwith Investigating Officer submitted that the report of the Chemical Examiner has been received in this case, copy of which has been placed on the file.

2. Ld.counsel for the applicant/accused submitted that the applicant/accused has filed the bail application u/s 439 Cr.P.C.for the grant of regular bail benefit to her. He further stated that while relying upon the law laid down by our Hon'ble High Court (DB) in ruling reported as **"Inderjeet Singh alias Laddi Vs. State of Punjab (DB) RCR 2014(3) page 953"** vide order dated 13.11.2017 accused/ applicant was granted benefit of interim bail by this court with an undertaking that if on receipt of report of the Chemical Examiner any other such kind of salt/ingredient reported to be contained in the alleged intoxicant tablets involved in this case and makes the contraband of the category of commercial quantity as per the provisions of NDPS Act, then the applicant- accused will have to appear/ surrender before the court and the benefit of present interim bail shall be deemed to have been cancelled. Today, Ld. Addl.PP for the State alongwith the Investigating Officer has submitted that the report of the Chemical Examiner has been received and as per report of Chemical Examiner the salt/ingredient of alleged

recovered intoxicant tablets stated to be found as Alprazolam So, her bail application for 439 Cr.P.C. may be rejected.

3. I have paid a considerable thought and gone through the challan file which is also fixed for today. As per the report of the Chemical Examiner, the salt/ ingredient received in the alleged sample is Alprazolam and as per the schedule attached with the NDPS Act (As per Entry No.178, upto 05 grams Alprazolam falls under the small quantity and above 05 grams upto 100 grams falls under the non-commercial quantity). The alleged recovery effected from the accused in this case is 260 intoxicant tablets i.e. Alprazolam 144 mgs. x 260 divided 1000= 37.44 grams, which falls under the non-commercial quantity. So keeping in view of the abovesaid circumstances and as per report alleged recovery falls under the non-commercial quantity. Therefore, Section 37 of the NDPS Act will not apply. So the bail application filed by the accused/ applicant u/s 439 of Cr.P.C. is accepted and the order dated 13.11.2017 is made absolute and confirmed. In this way, this application stands accepted and disposed of. Bail application file be tagged with the main file.

Pronounced in open Court.
Dated: 14.02.2018
(Rajinder)

(Sachin Sharma)
Judge, Special Court,
Kapurthala
UID No.PB0519