

IN THE COURT OF SH. H.S. GREWAL
JUDGE SPECIAL COURT, PATIALA

Filing No. BA3378 of 2022
PBPT010107842022
Date of Order: 17.01.2023

Harpinder Singh, aged about 28 years son of Nichabar Singh R/o Mohalla
Amamgarh Samana District Patiala.

...Applicant/Accused

Vs.

State of Punjab

...Respondent

Application for bail u/s 439 Cr.P.C

Present: Sh.Shashi Pal Verma, advocate for applicant.
Sh.Sumeet Malhotra, Ld. Addl.PP for State along with ASI
Harvinder Singh, PS Sadar Samana.

ORDER

1. This order shall dispose of the regular application in in FIR
No.0209 dated 11.09.2022 under section 22 NDPS Act, Police Station
Sadar Samana, Patiala.

2. In pursuance of notice of the application having been
issued,the learned Addl.PP for the respondent-State has put in appearance
and record has been produced by ASI Harvinder Singh. Report of Ahlmad
has been perused, as per report of Ahlmad, no application filed by the
applicant is pending nor any application has been decided by the Hon'ble
High Court. Learned Addl.PP for the State has also rendered the
assistance that as per investigating officer, no application filed on behalf
of applicant is pending or has been decided by any court of law till date.

3. Learned counsel for applicant has vehemently argued that the
applicant has been falsely implicated in the present case, which is qua the
alleged recovery of 120 tablets of Alprasafe and 80 tablets of Tramadol.

report of the FSL has been received and the recovery shown to have been allegedly affected falls within the ambit of lesser than commercial quantity. The applicant was accorded interim bail vide order dated 11.10.2022 and since then he has been regularly causing appearance. The application for bail be allowed.

4. On the other hand, learned Addl.PP for State has hotly opposed the contentions and has argued that it is a case of recovery of 120 tablets of Alprazole and 80 tablets of Tramadol. The report of the FSL has been received and the salt 120 tablets has been opined to be that of Alprazolam and in the other set of tablets which were 30 and 10 tablets the salt has been opined to be that of Tramadol Hydrochloride Besides that there are three other cases against the applicant under the NDPS Act. The applicant is a habitual offender. The application for regular bail be dismissed.

5. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments put in the application, perusal of the record produced, coupled with the report of Forensic Science Laboratory which has been presented by ASI Harvinder Singh, it is worth taking judicial notice of the fact that 120 tablets which were allegedly recovered on an analysis showed the salt of Alprazolam. Average weight has been shown as 126 mg per tablet which comes to 15.12 grams. The second set of tablets i.e. 30 in number and 10 tablets have been found to be containing salt of Tramadol Hydrochloride. Average weight of the sample consisting 30 tablets was having an average weight of 197 mg per tablet which comes to 5.91 grams and the second

set of 10 tablets were having average weight of 382 mg per tablet which comes to 3.82 grams. The salt Alprazolam has been shown at Sr. No.178 of the Statute and the quantity more than 100 grams has been shown as commercial quantity. The salt Tramadol Hydrochloride was added later on by way of notification by the Central Government and the quantity more than 20 grams has been shown as commercial quantity. It is a case which falls within the ambit of commercial quantity. Hence, the interim bail accorded to the applicant is hereby made absolute. The application for regular bail is accordingly allowed. The applicant shall adhere to the conditions as elucidated in the order dated 11.10.2022. The application is accordingly allowed. The file be attached with the remand papers.

Pronounced.

Date of Order:17.01.2023

Braham Kumar Stenographer-I

(H.S. Grewal)
Judge Special Court, Patiala
UID No . PB0081

Harpinder Singh Vs. State of Punjab.

Filing No. BA3378 of 2022
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Present: Sh.Shashi Pal Verma, advocate for applicant.
Sh.Sumeet Malhotra, Ld. Addl.PP for State along with ASI
Harvinder Singh, PS Sadar Samana.

Police record produced. Arguments heard. Vide separate
order of even date, the bail application has been allowed. The file be
attached with the remand papers.

Pronounced.

Date of Order:17.01.2023

Braham Kumar Stenographer-I

(H.S. Grewal)
Judge Special Court, Patiala
UID No . PB0081