

State Vs. Jigar

Present: Shri J.P. Bains, Addl. Public Prosecutor for the State.
Accused on interim bail with Shri H.S. Janjua, Advocate.

Challan presented today. Office report seen. It be checked and registered. The copies of challan and other documents have been supplied to the accused as envisaged under Section 207 Cr.P.C, free of costs.

2. Report of chemical examiner is attached with the challan file. According to the chemical report, the sample of recovered 100 intoxicant tablets without label which has been found containing the salt of Alprazolam and 2 grams of Heroin containing salt Diacetylmorphine. As per prosecution, on 14.12.2018 at about 10.15 p.m. in the area of T-point, Truck Union, Amritsar Road, Batal, accused were found in conscious possession of 100 intoxicant tablets and 2 grams of Heroin.

3. It is pertinent to mention here that the applicant through his counsel moved an application for grant of bail pending adjudication of trial. However, since the chemical report was not received, the applicant/accused was granted interim bail vide order dated 02.02.2019. Now the chemical report has been produced by the prosecution. Learned counsel appearing on behalf of applicant/accused has submitted that alleged recovery of 100 intoxicant tablets without label which has been found containing the salt of Alprazolam and 2 grams of Heroin containing salt Diacetylmorphine has been effected from the applicant/ accused. He further submitted that as per notification of the Act, the alleged recovery

does not fall within the ambit of commercial quantity and prayed for grant of regular bail to the applicant/accused.

4. On the other hand, learned Addl. PP for the State has opposed the bail application. However, he conceded that recovery of 100 intoxicant tablets without label which has been found containing the salt of Alprazolam and 2 grams of Heroin containing salt Diacetylmorphine and the said recovery falls under non-commercial quantity.

5. Having heard the submissions and going through the record, I find that the quantity of 100 intoxicant tablets without label which has been found containing the salt of Alprazolam and 2 grams of Heroin containing salt Diacetylmorphine which falls under non-commercial quantity. Challan has been presented in the Court and conclusion of trial is like to take its own course. The applicant/accused was granted interim bail vide order dated 02.02.2019, as such, in view of the facts and circumstances, the order dated 02.02.2019, vide which the applicant/accused was granted interim bail is made absolute.

6. Arguments heard on the charge. Finding a prima-facie case under Sections 21/22 of NDPS Act has been made out against the accused and accused is charge sheeted accordingly. The contents of the charge have been read over and explained to the accused in simple Punjabi, to which, he pleaded not guilty and claimed trial. Now PWs be summoned for 29.10.2019.

(Jatinder Pal Singh Khurmi)
Judge Special Court,
Gurdaspur.
(UID No. PB0057)

Date of Order: 13.06.2019.
(Priya Phutella, Steno-III).