

Present: Sh. Sukhminder Singh, Advocate for applicant-accused.
Ms.Mandeep Walia, Addl. PP for State.

ORDER

1. Report of Chemical Examiner has not still received. Learned Additional Public Prosecutor for State and Investigating Officer have stated that they have sent many reminders to the office of Chemical Examiner for sending the report. On oral inquiry in the court from the Investigating Officer, this fact is learnt that this is still not certain that further how much time it will take for receiving the report of Chemical Examiner. FIR of the present case registered under Section 22/61/85 of the NDPS Act on the allegations that on 12.07.2018 from the possession of accused-applicant 135 intoxicant tablets were recovered. On the above said intoxicant tablets, sample tablets has been stated to sent to laboratory as sample for examination. The report of Chemical Examiner has not been received till now. The accused-applicant who was lying on bail at the time of filing the present bail application. As report of Chemical Examiner has not been received, so considering the application of interim bail filed by the accused-applicant and as per law laid down in ruling “**Inderjit Singh @ Laddi Vs. State of Punjab RCR 2014(3) Page 953**” that the accused was given benefit of interim anticipatory bail vide order dated 03.08.2018. Since then, the case/present bail application is pending for report of Chemical Examiner and further consideration on bail application.

2. As discussed above still it is uncertain how much further it will take for receiving the report of Chemical Examiner. Alleged recovery involved in this case is 135 intoxicant tablets. Learned counsel for the accused-applicant submitted that in so many cases either Dextropropoxyphene,

Diphenoxylate, Alprazolam, Diazepam etc. are the salts which are reported by the laboratory. Upto 50 grams of any of the above said ingredients if corroborated will remain within the preview of non-commercial quantity. Most probably no useful purpose is being served for adjourning the bail application for time and again for awaiting the report of Chemical Examiner. Further, learned counsel for the accused-applicant submitted that from the date of release of accused-applicant on anticipatory bail, he has neither absented for putting the appearance in this case nor he was involved in any other offence. So keeping in view these circumstances and in the interest of justice mainly keeping in view of the quantity of the alleged recovery involved in this case which is 135 intoxicant tablets, the present bail application is accepted and interim bail benefit given to accused-applicant vide order dated 03.08.2018 is confirmed with a condition that if on receipt of report of Chemical Examiner any other such kind of salt/ingredient reported to be contained in the alleged intoxicant powder involved in this case and makes the contraband of the category of commercial quantity as per the provisions of NDPS Act, then the prosecution is at a liberty to file an application to get the bail cancelled. Accused-applicant is directed to furnish fresh bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of present court within two weeks. The present bail application stands disposed off. File of this application be tagged with the remand papers.

Pronounced in the open Court
Dt.20.09.2018
(Mohinder Kumar)

(Muneesh Arora)
Judge Special Court,
Kapurthala
UID No.PB0135