

Saleem Vs. State

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Court : Delhi

Decided On : May-26-1992

Reported in : 50(1993)DLT604

Judge : Usha Mehra, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 133 of 1992

Appellant : Saleem

Respondent : State

Advocate for Pet/Ap. : K.K. Sud and; S.K. Agarwal, Advs

Judgement :

Usha Mehra, J.

(1) The case of the prosecution is that on 15-12-91 at about 9.15 p.m. in the stair case of Kotha No. 57, O.B. Road, Delhi, accused was apprehended while he was coming down the stair case. He was holding a box in his hand. On suspension, he was asked to open the box, from which/nine balls like 'Gulabjarnun' of black colour were recovered/which/on weighing were found to be 500 gms., out of which one ball was taken which was of 65 gms., was sample. The same was sealed with the seal of 'R.K..' and Sho bearing impression 'K.S.'. This/sample was sent to the

CFSL. Cfsl report has been received which indicates that 60 gms. (appx.)brownish colour solid substance was received which on test was found to be'Charas'

(2) Counsel for the petitioner contended that report of the CFSL shows that there was a tampering of the seal. The penalty being very severe in such a case, sealing and sampling assumes importance. Since between the weight which was supposed to have been recovered at the site and the one which was reported to have been delivered at the Cfsl, there is a difference of 5 gms., Mr. Sud contends that this is a pointer towardstampering.

(3) Taking into consideration the facts and without touching the merits of this case I think I it is a fit case where bail should be grantedAccordingly, I admit the petitioner on bail on his furnishing bond in the sum of Rs. 20.000.00 with two sureties of the like amount to the satisfaction of the Trial Court.

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