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Manoj Singh Vs. State

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Court : Delhi

Decided On : Feb-01-1993

Reported in : 49(1993)DLT731

Judge : R.L. Gupta, J.

Acts : Narcotic Drugs and Psychotropic Substances Act, 1985 - Sections 18

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 3106 of 1992

Appellant : Manoj Singh

Respondent : State

Advocate for Pet/Ap. : J. Sethi and; Hirdayjot Singh, Advs

Judgement :

R.L. Gupta, J.

(1) Petitioner is facing prosecution u/Section 18 of the NDPS Act for being found in possession of 206 gms. of opium 'on 16.1.1992.He applies for bail.

(2) I have heard arguments advanced by the learned Counsel for theparties. The most glaring fact which appears to me to be lacking in this case is that there is no mention about the deposit of CFSL form in the Malkhana.learned Counsel for the petitioner also says that the constable who took the sample to CFSL and whose

name is Laxmi Narain has not said in him statement u/Section 161 Criminal Procedure Code that he deposited CFSL form in the Malkhana. Another fact which weighs in my mind at this stage is that the article recovered is not of a very high value. Other points also have been argued but I do not consider it necessary to discuss those points.

(3) Taking the totality of the circumstances into consideration. I am of the view that there seems to be some lacuna in the prosecution case,prima fade. The petitioner is, thereforee, granted bail on furnishing a personal bond in the sum of Rs. 7,000.00 with one surety for the like amount to the satisfaction of the trial Court Any observations made herein will have no bearing on the trial of the case.

(4) Petitioner be informed accordingly through Superintendent, Jail.

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