



NDPS S. 2 (viia) read with the notification S.O. No. 1055 (E) dated 19/10/2001 ,
Section 37, 52A - "commercial quantity" - Weight Adjustment due to Drying -
Weight recorded during inventory before the Magistrate considered - Bail
Consideration for Multiple Accused. [PLRonline 413680]

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· **Narcotic Drugs and Psychotropic Substances Act, 1985 - Weight Adjustment due to Drying :**

- interpretation of "commercial quantity" under the NDPS Act, specifically Section 2 (viia) read with the notification S.O. No. 1055 (E). Initially, the seized 'Charas' weighed 1 kg and 10 grams, classified as a commercial quantity. However, after 59 days, the weight reduced to 1 kg, falling into the category of an intermediate quantity, attributed to drying.
- The court decided that the rigours of Section 37 of the NDPS Act, which pertains to stringent conditions for [bail](#) in cases involving commercial quantities, would not apply in this scenario.
- Weight recorded during inventory before the Magistrate considered, compliant with Section 52A, considering the [personal liberty](#) of the applicant.

· **Bail Consideration for Multiple Accused:**

- The first accused was found in possession of 1 kg and 10 grams, and the second accused with 1 kg and 15 grams of Charas. Together, they possessed 2 kg and 25 grams, a commercial quantity under the NDPS Act.
- Despite the joint possession of a commercial quantity, the court decided to consider their bail applications separately. This was due to the lack of [evidence](#) indicating that the accused were acting jointly or in connivance with each other.

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