

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-17630 of 2017 (O&M)

Date of Decision: 26.05.2017

Rakesh Kumar @ Lala

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sahil Puri, Advocate for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail pending trial in case FIR No.59, dated 07.12.2016, under Sections 22/61/85 of the NDPS Act, registered at Police Station Satnampura, Phagwara, District Kapurthala.

As per prosecution version, the alleged recovery effected from the petitioner is of 16 injections Buprenorphine (2 ml each) and 90 injections of Avil (10 ml each).

Insofar as the alleged recovery of Buprenorphine is concerned, the same would be construed as commercial quantity.

In view of the specific bar envisaged under Section 37 of the NDPS Act, this Court is not inclined to accept the prayer for regular bail.

During the course of arguments, counsel has raised submissions with regard to not adherence of various provisions of the NDPS Act at the time of seizure. These are submissions for which evidence will have to be

led and appreciated during the course of trial.

Petition is dismissed.

26.05.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

- i) Whether speaking/reasoned? Yes
- ii) Whether reportable? No