

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-20997 of 2017

Date of Decision: 30.8.2017

Satwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Sarika Gupta, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No. 35 dated 3.8.2016, under Section 21/22 of the NDPS Act, 1985, registered at Police Station City Banga, SBS Nagar.

Learned counsel for the petitioner submits that petitioner is in custody since 7.3.2017. Earlier also, the petitioner remained in custody from 4.8.2016 to 22.11.2016. Thus, the petitioner is in custody for more than nine months. She has further argued that the allegation against the petitioner is that he was found in possession of 35 vials of Buprenorphine Hydrochloride and in view of proviso attached to Rule 66 of the NDPS Rules, 1985 an individual can possess 100 doses of the same for his personal medical use. She has also relied upon *Saleem Mohd. Versus State of Punjab 2015 (25) R.C.R., (Criminal) 816* and *Ajaib Singh versus State of Punjab 2012 (2)*

the definition of psychotropic substance.

On the other hand, learned State counsel has argued that the total quantity of 35 Buprenorphine vials, which contained 2 ML each, comes to 70 gm. Therefore, falls in commercial quantity as the quantity below 20 grams comes under non-commercial quantity.

I have heard learned counsel for the parties.

Having considered the case of *Saleem Mohd.*'s case (supra) and noticing the fact that the petitioner is in custody for more than nine months and no other case has been pointed out against him and the trial is at initial stage and it will take time, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as any expression on the merits of the case.

(HARI PAL VERMA)
JUDGE

August 30, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No