

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

CRM No.M-25496 of 2017 (O&M)

Date of Decision: August 17, 2017

Sutikshan Kalia

...Petitioner

VERSUS

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.D.S.Sukhija, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.198 dated 12.12.2016 under Section 22 of the NDPS Act, registered at Police Station Maloya, Chandigarh.

Notice of motion.

Mr.Amit Kumar Goyal, Asstt. Public Prosecutor, has put in appearance on behalf of the respondent-U.T. Chandigarh and contested the petition.

I have heard learned counsel for the petitioner as well as learned Asstt. Public Prosecutor and have gone through the record.

As per the prosecution version, 22 strips of Lomitol containing 60 tablets each, 24 vials containing Carez Cough Syrup, 40 strips

containing 10 tablets of Charisma, 25 injections of Pheniramine Maleate

containing 10 ml each and 25 injections of Buprenorphine containing 2 ml each, were recovered from the petitioner.

As per FSL report in this case, the weight of the injections has been given as 2.03 grams each. Learned counsel for the petitioner argued that FSL has not counted the weight on the basis of density etc.

At this stage, there is no ground to doubt the FSL report. The recovery from the present petitioner falls under commercial quantity. Otherwise also, even if it is presumed that the recovery from the petitioner does not fall under commercial quantity, even then, the possession of huge quantity of injections under NDPS Act, itself shows that the petitioner is not entitled to benefit of regular bail.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I do not find any merit in the present petition and the same is dismissed

August 17, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No