

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

CRM-M No.21943 of 2018
DATE OF DECISION:13.07.2018

Vikas Sharma

...Petitioner

Vs.

Union Territory, Chandigarh

..Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. R. P. Dangi, Advocate for
Mr. Sanjiv Kumar, Advocate
for the petitioner.

Mr. Gautam Dutt, Advocate for UT Chandigarh.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.466, dated 02.11.2017, registered under Sections 22 of NDPS Act at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the case. The alleged recovery from the petitioner is 15 injections of Pheneramine Malate 10 ML each and 15 injections of Buprenorphine 2 ml each. No independent was joined at the time of investigation. Recovery was not effected in the presence of Gazetted Officer or Magistrate and as such there is non compliance of mandatory provisions of the NDPS Act. No other case under NDPS Act is pending against him. Petitioner is in custody for about eight months. There are total 16 witnesses and out of which six have been examined. Trial of

the case may take long time to conclude and no purpose would be served by keeping the petitioner behind the bars.

Learned counsel for UT, Chandigarh has not disputed the custody period as well as stage of the trial and also the fact that no other case is pending against him. It is also the admitted fact that neither the independent witness was present at the time of recovery nor recovery was effected in the presence of the Gazetted Officer or Magistrate.

By considering the alleged recovery and stage of the trial as well as the custody period, the present petition is allowed. The petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

13.07.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No