

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.214

CRM-M-25946-2018

Date of decision : 16.07.2018

Hari Parshad

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Hitesh Verma, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.81 dated 21.03.2017, registered at Police Station Parao Ambala Cantt., District Ambala, under Section 21 of NDPS Act, 1985 and Section 28 of the Drugs and Cosmetics Act, 1940.

As per the FIR, 72 injection of avil of 10 ml. each as well as 80 injections of Omegesic 2 ml. each, have been recovered from the petitioner. Only Omegesic contains buprenorphine hydrochloride, which is narcotic substance.

Learned counsel for the petitioner submits that the petitioner has been in custody since 21.03.2017. The alleged narcotic substance recovered from him is contained in injection Omegesic of which total 80 vials were recovered of 2 ml. each. The same cannot be said to be commercial quantity. Moreover, the trial may take some time to conclude and therefore, no useful purpose would be served by keeping the petitioner in custody indefinitely.

Learned State counsel submits that as per order of the trial Court, commercial quantity has been recovered from the petitioner.

However, he is not in a position to justify how the quantity recovered is commercial in nature. On instructions from ASI-Ajit Pal, he further submits that out of eight prosecution witnesses one has been examined till date and the next date of hearing before the trial Court is 17.07.2018.

Without adverting to the merits of the arguments of the learned counsel and keeping in view the fact that the petitioner has been in custody for more than a year and trial is not likely to conclude at an early date, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner-Hari Parshad, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

16.07.2018.
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No