

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM NO. M-30640 OF 2018  
DATE OF DECISION : 23.10.2018

Rakesh Kumar

...Petitioner

versus

State of Punjab

...Respondent

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Amandeep Chhabra, Advocate,  
for the petitioner.

Mr. K. S. Aulakh, DAG, Punjab.

**RAJBIR SEHRAWAT, J. (ORAL)**

Present petition has been filed for seeking bail pending trial in FIR No.96 dated 09.09.2017 for the offences punishable under Section 22 of NDPS Act, 1985 registered at Police Station GRP Bathinda, District Bathinda.

Learned counsel for the petitioner contends that even as per the case of prosecution, the recovery from the petitioner is 500 ML solution containing Codeine and 20 injections of Buprenorphine. He further contends that the quantity recovered from the petitioner, in each case, is less than the commercial quantity. Learned counsel for the petitioner has relied on the judgment of this Court rendered in **CRM-M-35080-2018; Rajvir Singh @ Raju vs. State of Punjab** decided on **21.08.2018**. It is further contended by learned counsel for the petitioner that the petitioner is in custody since 09.09.2017.

There is no other case against the petitioner, therefore, no

purpose will be served by keeping the petitioner behind the bars.

On the other hand learned State counsel, being instructed by ASI Nirpal Singh, submits that recovery of Burenorphine, from the petitioner is of commercial quantity. However, learned State counsel has not been able to dispute the fact regarding custody of the petitioner or the fact that there is no other case against the petitioner.

In view of the above, without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial, subject to furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**OCTOBER 23, 2018**  
shalini

Whether speaking/reasoned : YES/NO  
Whether reportable : YES/NO