

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

HEMLATA
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CRM-M-30841-2018 (O&M)

Date of decision:31.08.2018

Akashdeep Singh @ Nanni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. K.S.Mehta, Advocate
for the petitioner.

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

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition is for grant of bail pending trial in case FIR No. 103 dated 17.08.2017 under Sections 21, 22 of NDPS Act 1985, registered at Police Station City Nawanshahr.

Counsel for the petitioner contends that the alleged recovery from the petitioner is of three substances, namely, 10 gms of Alprazolam; 58 vials of injections AVIL and 58 ampules of Buprenorphine injections. It is contended by the counsel that out of these recovered materials, injection of AVIL was not found containing any prohibited substance. Therefore, recovery of that injection is irrelevant. It is further contended that quantity of Alprazolam is also non-commercial. Qua the injection of Buprenorphine, counsel for the petitioner has relied upon the judgment of this Court rendered in Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018, to contend that the quantity recovered from the petitioner is less than even the small quantity of Buprenorphine. Still further it is contended that while conducting the search provisions of Section 50 has not been complied with. Counsel for the petitioner also contends that, unfortunatel, the petitioner is

an addict and injection of Buprenorphine is prescribed to him by the medical practioner. However, there is no other case against the petitioner.

On the other hand, learned State counsel submits that since two prohibited substances have been recovered from the petitioner and challan has been filed, therefore, the petitioner should not be released on bail. Learned State counsel, however, does not dispute the fact that there is no other case pending against the petitioner.

In view of the above submissions made by learned counsel for the petitioner, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/sureties to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

31.08.2018
Hemlata

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