

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-32668-2018

Date of Decision: October 04, 2018

Hem Raj @ Cheena

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Ms. Simmy, Advocate for
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner-Hem Raj @ Cheena son of Shri Farinda, seeks regular bail in FIR No.0103, dated 28.05.2018 registered at Police Station Division No.4, District Police Commissionerate Jalandhar, under section 22 of the NDPS Act, 1985.

2. On August 07, 2018, the following order was passed by this Court.

“ Learned counsel for the petitioner submits that recovery of 20 ampoules of injections was effected from the petitioner and as per proviso to Section 66 (2) of the NDPS Rules 1985, an individual may possess upto 100 ampoules of Narcotic Substance for his personal medical use. There are no other case against the petitioner and thus the petitioner deserves the concession of regular bail.

Learned State counsel submits that Section 37 of the NDPS Act, 1985, bars the grant of bail to a person accused of an offence involving

commercial quantity of narcotic substance. He submits that rule 66 (2) of the NDPS Rules 1985, would be subject to the bar of Section 37 of the Act and unless and until the petitioner is able to show that on the basis of the evidence on record that he is not likely to commit any similar offence if bail is granted to him, he cannot be released on bail. In this case even investigation is not complete as yet and thus it is difficult to record the satisfaction which is necessary to be recorded under Section 37 of the Act.

Petitioner was apprehended on 28.05.2018. The investigation is still in progress. Thus, the hearing is deferred to 04.10.2018.

3. Today, learned State counsel submits that report of the CFSL has been received, the investigation is complete and challan is to be presented in the Court very shortly.

4. Since the report of the CFSL has been received and the investigation is already complete, no useful purpose would be served by detaining the accused in custody for an indefinite period, as after presentation of the challan, it will take time to conclude the trial.

5. Accordingly, the petition is allowed and the petitioner- Hem Raj @ Cheena son of Shri Farinda, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Judge, Special Court, concerned.

October 04, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No