

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No. 35517 of 2018

Date of decision : 28.11.2018

Amritpal Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Amritpal Singh has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.19 dated 27.01.2018 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the - 'NDPS Act') registered at Police Station - Sirhind, Distt. Fatehgarh Sahib, during pendency of the trial.

Learned counsel for the petitioner contends that 06 injections of Avil each containing 10 ml and 06 injections of Buprenorphine each containing 02 ml have been recovered from the petitioner. Avil does not fall under the NDPS Act. Learned counsel has cited the judgment of a Coordinate Bench of this Court in CRM-M-15370 of 2018 decided on 23.04.2018 relying upon the judgment of another Coordinate Bench in

CRM-M-30008 of 2017 decided on 06.10.2017, wherein the petitioner was found to be in possession of 40 injections of Buprenorphine each containing 2 ml and concession of regular bail was granted to him. He has also relied upon the judgment of a Coordinate Bench of this Court in CRM-M-1400 of 2018 decided on 19.01.2018, wherein the petitioner, who was found in possession of 12 injections of Buprenorphine each containing 2 ml, was granted regular bail after about three months custody. He also contends that even if it is taken that 1 ml is equivalent to 1 mg although equivalence will depend on the density of the liquid, even then the recovery effected from the petitioner would fall on the border line of commercial quantity. He further contends that the petitioner is in custody for about 10 months and is not involved in any other case.

Learned State counsel has not disputed the period of custody undergone by the petitioner. Learned State counsel contends that 06 injections of Buprenorphine each containing 02 ml were also recovered from another person, who was travelling with the petitioner on the motorcycle.

Heard arguments of learned counsel for the parties and have also gone through the contents of the FIR and other documents on file.

In view of the submissions of learned counsel for the petitioner and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released

on regular bail on his furnishing requisite bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

28.11.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No