

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41936-2018 (O&M)

Date of decision:30.10.2018

Meena

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.0007 dated 06.01.2018 under Sections 22 of NDPS Act, registered at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner contends that even as per the case of prosecution, the recovery from the petitioner is of 12 injections of *Buprenorphine Hydrochloride* and 20 injections of *Avil*. It is contended by the counsel that injections of *Avil* does not fall in the category of prohibited substance. So far as the injections of *Buprenorphine* are concerned, counsel for the petitioner submits that the prohibited substance present in these injections is much less even then the small quantity. Learned counsel for the petitioner has relied upon the judgment of this Court, dated 21.08.2018, rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to support his contention. It is further contended that the petitioner is in custody for about five months. The investigation is complete and the petitioner is not required for any investigation purposes. There is no other

On the other hand, learned State counsel, being instructed by ASI Jang Bhudar, does not dispute the fact that the actual quantity of the prohibited substance in the recovery is less than small quantity and also that there is no other case against the petitioner.

In view the above submissions made by counsel for the petitioner, but without expressing any further opinion 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/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

30.10.2018
Hemlata

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