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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-42567-2018 (O&M)  
Date of decision : 19.11.2018

Satish Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

Present:- Mr. Navjot Singh, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

**KULDIP SINGH J. (ORAL)**

Heard.

This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 123 dated 07.07.2018 registered under Section 22 of NDPS Act, 1985, registered at Police Station City Nawanshahar.

It comes out that recovery of 15 injections of 2ml each was effected from the petitioner. As per the report of chemical examiner buprenorphine hydrochloride was found in the said injection. The recovery is commercial.

Learned counsel for the petitioner has stated that under Rule 66 (2) of the Narcotic Drugs and Psychotropic Substance Rules 1985, he is entitled to keep the 100 dosages. The said Rule permits a person suffering from some disease to keep the said dosages. However, the petitioner

has no where claimed that he is a patient and needed those dosages for personal use. He further contends that in this case private vehicle was used by police which is in violation of government instructions.

I am of the view that use of private vehicle does not make the investigation illegal. Recovery in this case is commercial, therefore, there is no ground to grant bail to the present petitioner.

Dismissed.

(KULDIP SINGH)  
JUDGE

19.11.2018  
*preeti*

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|-----------------------------|-----|
| Whether speaking / reasoned | Yes |
| Whether Reportable:         | No  |