

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

CRM-M-42905-2018 (O&M)

Date of Decision:- 3.10.2018

Surmukh Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jaskamal Singh Grewal, Advocate, for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

Petitioner Surmukh Singh has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.29 dated 6.5.2018 under Section 22 of NDPS Act, Police Station Mulepur, Fatehgarh Sahib.

As per case of the prosecution, on 6.5.2018 when the police party was patrolling in the area of Village Nalini, one person was seen coming on Sirhind-Patiala G.T. Road, riding a motorcycle and who upon noticing the police party got perplexed and was apprehended by the police party on the basis of suspicion. His search yielded recovery of 8 injections of 'Buprenorphine' containing 2 ML each of the contraband and another 8 injections of 'Pheniramine Maleate' 10 ML each. While 'Buprenorphine'

injections are covered under the NDPS Act, 'Pheniramine Maleate' is not covered under the NDPS Act.

Notice of this petition was issued to the State.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case the alleged recovered quantity does not fall within the "commercial quantity" and that since the challan has been already presented, no useful purpose would be served by keeping the petitioner behind bars.

On the other hand learned State counsel has submitted that since the petitioner was found in possession of 8 injections of 'Buprenorphine' total containing 16 ML of the contraband for which the petitioner could not produce any licence, therefore, no ground is made out for grant of bail.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that the quantity recovered falls under the "non-commercial" quantity and that the challan has already been presented and also that the petitioner is not involved in any other identical case, in my opinion no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. Petitioner Surmukh Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

October 3, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No