

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47178-2018 (O&M)

Date of decision:01.11.2018

Ravi Shankar

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ashok Mahajan, Advocate
for the petitioner.

Mr. Kuldeep Tiwani, APP., U.T, Chandigarh.

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.453 dated 25.10.2017 under Sections 22 of NDPS Act, registered at Police Station Sector-39, Chandigarh.

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 13 injections of *Pheniramine Maleate*. It is further contended by the counsel that injections of *Pheniramine Maleate* are not prohibited substance under the NDPS Act. So far as the injections of *Buprenorphine* are concerned, counsel for the petitioner submits that the actual quantity of the prohibited substance in the injections is less than the commercial 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 since 25.10.2017. Challan has already been filed in this case and the

shall take a long time.

On the other hand, learned State counsel, being instructed by SI Kulwant Singh, submits that recovery from the petitioner is of commercial quantity. It is further contended by the counsel of U.T that there is one more case against the petitioner.

In response to this, counsel for the petitioner has submitted that in connection with the aforesaid case, the alleged recovery was of non-commercial quantity and the petitioner was released in that case on bail. The petitioner is not in custody except the present case.

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

01.11.2018
Hemlata

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