

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

CRM-M-6900 of 2018
Date of Decision:24.04.2018

Mandeep Singh @ Lalli

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jagjit Singh Thablan, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case First Information Report No.0047 dated 30.05.2017 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. It is also contended that 30 injections of 'Kavil' and another 30 injections of 'Buprenorphine' 2ml each alleged to have been recovered from the accused. It is further submitted that no independent witness was associated in the alleged process or at the time of alleged recovery

from the petitioner. It is also submitted that the petitioner is in need to keep the said contraband for the purpose of his personal medical use.

On the other hand, learned State counsel has opposed the bail application. He submits that the alleged contraband recovered from the petitioner is of commercial quantity. Therefore, he prays for dismissal of the bail application.

Admittedly, the recovery is commercial in nature from the petitioner. Although an argument is raised that he is in need to keep the said contraband as per his requirement, but despite repeated query put by the Court, learned counsel for the petitioner has failed to show any prescription by a registered Medical Practitioner in term of Rule 66 of the NDPS Rules, 1985. Keeping in view the aforesaid facts, the petitioner is not entitled to the concession of regular bail in view of the bar contained in Section 37 of the NDPS Act. Hence, the present petition is hereby dismissed.

The above observation be not construed as an expression of opinion on merits of the case.

Since, the petitioner is in custody for the last about one year, therefore, learned trial Court is requested to expedite the trial.

[MAHABIR SINGH SINDHU]
JUDGE

April 24, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no