

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

CRM-M-1467 of 2019

Date of decision: 05.11.2019

Lakhvir Kumar @ Laddi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Prashant Vashishth, Advocate for the petitioner.
Mr.Ramandeep Sandhu, Sr.DAG Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.74 dated 16.11.2018 under Section 22 of NDPS Act, 1985 registered at Police Station Mukandpur, SBS Nagar (Nawan Shahar).

The allegations against the petitioner are that 13 injections of bupremorphine containing 2ml each and 13 injections of Avil containing 10ml each were recovered from his possession. He did not possess any license for the same. Admittedly, possession of Avil does not constitute any offence under the NDPS Act.

Learned counsel for the petitioner has relied upon the judgments of the Coordinate Benches of this Court in the case of **Dalwinder Singh versus State of Punjab**, passed in CRM-M-10753-2019 on 03.05.2019 whereby the petitioner therein, who was in possession of 15 injections of Buprenorphine containing 2 ml each, was

granted regular bail after having put in about a year in custody; in the case of **Kamaljeet Singh @ Kamal versus State of Punjab**, passed in CRM-M-4538-2019 on 13.03.2019 whereby the petitioner therein, who was in possession of 12 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about nine months in custody and in the case of **Kuldeep Singh versus Union Territory, Chandigarh**, passed in CRM-M-1400-2018 on 19.01.2018 whereby the petitioner therein, who was in possession of 12 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about three months in custody.

In view of the aforesaid judgments and considering the fact that the petitioner has been in custody for the last almost one year and conclusion of the trial may take long time and no useful purpose will be served by keeping him in custody till the final disposal of the case, therefore, without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Ludhiana.

05.11.2019

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[**HARINDER SINGH SIDHU**]
JUDGE

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