

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

CRM-M-6331-2019

Date of Decision: 27.02.2019

Karamjit Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Kuldeep Singh, Advocate
for the petitioner.

Mr. Vikas Malik, D.A.G. Haryana.

RAJBIR SEHRAWAT, J. (Oral)

Through this petition, the petitioner has sought bail pending trial in case FIR No.353 dated 17.08.2018 registered under Sections 21, 22, 61, 85 of NDPS Act of 1985 at Police Station Ambala Cantt.

Learned counsel for the petitioner contends that the petitioner is wrongly involved in the case. The petitioner has not committed any crime, as alleged against him. It is further contended that even as per the case of the prosecution, the recovery from the petitioner is of 190 prohibited injections of Omgesic (Buprenorphine 2 ML), which contains prohibited substance i.e. Buprenorphine Hydrochloride. It is submitted that injection is a manufactured drug. As per the manufacturer description on the said injections itself, the actual quantity per ML of the injection is only 300 micrograms. Accordingly, the total quantity of prohibited substance in the entire recovery, allegedly made from the petitioner, comes only to 0.114 grams, which is much less than even the small quantity prescribed for the substance. Learned counsel for the petitioner has relied upon the judgment

of this Court dated 21.08.2018 rendered in the case of **Rajvir @ Raju** v. **State of Punjab** in CRM-M-35080 of 2018 to support his contention. It is further submitted that petitioner is in custody since 17.8.2018. The challan has already been filed in this case, although without FSL report. Therefore, the petitioner is not required for any investigation purposes. There is no other case against the petitioner under the NDPS Act.

On the other hand, learned State counsel, being instructed by ASI Rakesh Kumar submits that huge quantity of 190 injections of prohibited substance have been recovered from the petitioner. Hence, the petitioner does not deserve any concession of bail. However, it is not disputed that although the FSL report has not been received so far, but, as per the manufacturer details, the quantity of the prohibited substance in the entire recovery comes only to be 0.114 grams. It is also not disputed that no other case is pending against the petitioner under the NDPS Act.

In view of the above facts and circumstances, 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.

27.02.2019

rajeev

**(RAJBIR SEHRAWAT)
JUDGE****Whether speaking/reasoned****Yes/No****Whether reportable****Yes/No**