

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

CRM-M-7583-2019

Date of Decision: 27.02.2019

Vishal @ Baggi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. K.D. Sachdeva, Advocate
for the petitioner.

Mr. K.S. Aulakh, D.A.G. Punjab.

RAJBIR SEHRAWAT, J. (Oral)

Through this petition, the petitioner has sought for bail pending trial in case FIR No.77 dated 23.06.2018 registered under Section 22 of NDPS Act of 1985 at Police Station Shambhu, District Patiala.

Learned counsel for the petitioner contends that the petitioner is wrongly involved in the case. No recovery was effected from the petitioner. However, even as per the case of the police, the alleged recovery from the petitioner is of 75 injections of Rexogesic containing the prohibited substance Buprenorphine Hydrochloride. However, as per the FSL report, the material quantity of prohibited substance found in the entire recovery is .019 gram. Hence, the quantity of the prohibited substance is 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 23.6.2018. The challan has already been filed. 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 submits that huge quantity of 75 injections of prohibited substance have been recovered from the petitioner.

However, it is not disputed that the material quantity of the prohibited substance found in the entire recovery is less than even the small quantity.

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