

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

CRM-M-7798-2019

Date of Decision: 27.02.2019

Atul Sharma

... Petitioner

Vs.

U.T. Chandigarh

... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sanjay Verma, Advocate
for the petitioner.

Mr. Rajiv Vij, Advocate
for U.T. Chandigarh.

RAJBIR SEHRAWAT, J. (Oral)

Through this petition, the petitioner has sought for bail pending trial in case FIR No.204 dated 20.10.2018 registered under Section 21, 22 of NDPS Act at Police Station Sector-49, Chandigarh.

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 15 injections of Buprenorphine and 15 injections of Phniramine Malreate containing the prohibited substance. However, the actual quantity of prohibited substance found in the entire recovery is .3 Mg/ML. Hence, the quantity of the prohibited substance found in the entire recovery 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 20.10.2018. 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 15 injections of Buprenorphine and 15 injections of Phniramine Malreate of prohibited substance have been recovered from the petitioner.

However, it is not disputed that the actual 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