

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

**CRM-M-32074-2018
Reserved on: 25.01.2019
Pronounced on: 29.01.2019**

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. K. Mehta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 88 dated 03.11.2017, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), registered at Police Station Sadar Banga, District S. B. S. Nagar.

As per the allegations in the FIR, ASI Satnam Singh along with other police officials, while on patrol duty, apprehended the petitioner and another co-accused, namely Surinder Singh, along with intoxicant ampules and injections which the accused persons were carrying in polythene bag in their hands. After giving a notice under Section 50 of the NDPS Act, in which the accused persons gave their separate consent to be searched by the Investigating Officer ASI Satnam Singh, a recovery of 13 injections of Pheniramine Maleate each containing 10 ML and 13 injections of

Buprenorphine Hydrochloride each containing 2 ML was made from the petitioner without any licence and thereafter, the petitioner was arrested and remaining proceedings were done.

Learned counsel for the petitioner has argued that the petitioner is in judicial custody for the last eight months and he is not involved in any other case and since the report of the Chemical Examiner has been received, it will take a long time in conclusion of the trial.

Learned State counsel has filed custody certificate and opposed the prayer of the petitioner on the ground that the recovery effected from the petitioner is of commercial quantity.

I have heard learned counsel for the parties and considering the fact that as per the FSL report, the recovery effected from the petitioner is of commercial quantity, no opinion can be formed in accordance with Section 37 of the NDPS Act that if released on bail, the petitioner will not involve in similar offences.

Therefore, the present petition is dismissed.

January 29, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No