

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

**CRM-M No.39898 of 2018 (O&M)
Date of decision : 11.04.2019**

Bhajan @ Bhajan Lal

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

AJAY TEWARI, J. (Oral)

CRM-11831-2019

For the reasons recorded, the application is allowed.

Documents (Annexures P-4 to P-9) are taken on record.

Main case

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.72 dated 21.09.2017 registered under Sections 21/22 of NDPS Act and Section 61 of Punjab Excise Act, 1914 at Police Station Sadar Banga, District SBS Nagar.

As per the allegations two persons were arrested with 25 injections of Buprenorphine while their third companion managed to flee.

Counsel for the petitioner has argued that as per Rule 66 of the NDPS Act a person may have in his possession up to 100 units of a psychotropic substance subject to the condition that it is used for genuine scientific research or genuine medical reasons and when the case comes up for defense evidence, the petitioner will be able to prove this fact but now he has been in custody since 21.09.2017.

Custody certificate has been filed on the last date, as per which the petitioner has been in custody for 01 year, 06 months and 19 days.

Learned Senior Deputy Advocate General on instructions from Investigating Officer has accepted these facts.

Be that as it may and keeping in view the period of custody and without going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the concerned CJM/Illaq Magistrate/Duty Magistrate.

Ordered accordingly.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

11.04.2019

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No