

CRM-M No. 20031 of 2019
Date of Decision : 19.08.2019

Mintu**Petitioner**

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.Maninder Singh Saini, Advocate for the petitioner.

Mr.K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (Oral)

Present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.110 dated 20.06.2018, under Section 21, 61,85 of the NDPS Act,1985 registered at Police Station City Nawanshahar, District Nawanshahar.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. He is not involved in the crime as alleged against him. Otherwise also, even as per the case of the prosecution the alleged recovery from the petitioner is of 17 injections alleged to have been containing prohibited substance Buprenorphine Hydrochloride, but as per the FSL report the quantity of the prohibited substance found in each injection is only 0.298 milligrams per ml. Hence the total quantity of prohibited substance found in the entire recovery is much less than even the small quantity prescribed for the substance. Counsel has relied upon judgment of this Court rendered in **Rajbir alias Raju vs. State of Punjab, 2018(4) RCR(Cr.) 375** to support his contention. It is further

submitted that the petitioner is in custody since 21.06.2018. Charge has

already been framed against the petitioner. He is not required for any investigation purposes. The trial of the case is likely to take long time to conclude. It is further submitted that there is no other case under the NDPS Act against the petitioner.

On the other hand, learned counsel for the State, being instructed by ASI Rampal, submits that there has been a huge recovery of 17 injections containing prohibited substance; from the petitioner. However, it is not disputed that as per the report of the FSL, the prohibited substance found per mililitre of the injection material is only 0.289 miligrams which comes to be less than the small quantity prescribed for this substance. It is also not disputed that the petitioner is in custody since 21.06.2018, charge has already been framed in this case and that there is no other case against the petitioner under the NDPS Act.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

19.08.2019
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No