

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

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**CRM-M No. 22834 of 2019
Date of decision : 28.11.2019**

Vishal @ Shankar

.....Petitioner

Vs.

State of UT, Chandigarh

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vikram Jeet Singh, Advocate, for the petitioner

Mr. Sukant Gupta, Addl. PP, UT, Chandigarh

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 305 dated 26.8.2018, registered under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act), at Police Station Sector 36, Chandigarh.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the alleged recovery from the petitioner is only 21 injections. Although the sample was sent to the FSL for chemical analysis, however, the FSL report only speaks about the prohibited substance buprenorphine being found in the injections. No quantity of prohibited material has been mentioned in the report of the FSL. Still further it is contended by learned counsel for the petitioner that the alleged material recovered from the petitioner is a manufactured drug. As per the manufacture specifications for this doze of drug, the maximum quantity of prohibited substance in these injections is 0.33

ml/injection. Therefore, the quantity of the prohibited substance in the entire recovered material causes less than even the small quantity prescribed for the substance. Learned counsel for the petitioner has relied upon the judgment of this Court rendered in **CRM-M-35080 of 2018 - [Rajvir Singh @ Raju v. State of Punjab](#)**, decided on 21.08.2018, in support of his contention. It is further contended that the petitioner is in custody since 26.8.2018. Challan has already been filed. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by the police official, submits that one more case is pending against the petitioner. However, he has not denied the FSL report. It is also not disputed that the petitioner is in custody since 26.8.2018 and that challan has already been filed.

In view the above, 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.

(RAJBIR SEHRAWAT)
JUDGE

28.11.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No