

Sr. No.207

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

**CRM-M-49908-2018
Date of decision:08.01.2019**

Dinesh Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vikas Arora, Advocate
for the petitioner.

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

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.0085, dated 05.08.2018 for the offences punishable under Section 22 of NDPS Act, registered at Police Station Kiratpur, District Rupnagar.

Learned counsel for the petitioner contends that even as per the allegations contained in the FIR, the alleged recovery from the petitioner is 10 injections of Avil of 10 ml each, 10 injections of Buprenorphine of 2 ml each, 100 syringes and 20 needles. It is submitted by the learned counsel for the petitioner that the petitioner is having a chemist shop, therefore, possession of these items, per se, would not be covered under NDPS Act. It is further contended that otherwise also, the actual quantity of prohibited substance found in the alleged recovered material is less than the commercial quantity prescribed for the prohibited substance. In support of his contention learned counsel for the petitioner has relied upon the judgment of this Court rendered in **CRM-M-35080-2018; Rajvir Singh @**

Raju vs. State of Punjab decided on **21.08.2018**. It is further contended by learned counsel for the petitioner that there is no other case against the petitioner. The petitioner is in custody since 05.08.2018. Petitioner is no more required for investigation purposes. Challan has already been filed and charge has also been framed in the case.

On the other hand learned State counsel, being instructed by ASI Mohan Lal, submits that there is heavy recovery from the petitioner. However, it is not disputed that even if the entire quantity is taken into consideration, still, the alleged recovery from the petitioner is of non-commercial quantity. It is further not disputed that there is no other case against the petitioner and the charge has already been framed.

In view of the submissions made by learned counsel for the petitioner, but without commenting on 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 subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

8th January, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*