

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

**CRM-M No. 27980 of 2019
Date of Decision:-10.07.2019**

Vijay Kumar @ Noni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Kuldeep Singh, Advocate
for the petitioner.

Mr. Hitten Nehra, Additional A.G., Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Vijay Kumar @ Noni has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.170 dated 19.8.2018, under Section 22 of NDPS Act, registered at Police Station Adampur, Jalandhar. The petitioner is in custody since the date of arrest on 19.8.2018.

As per allegations in the FIR, petitioner along with his co-accused were nabbed by the police party near Canal Rest House, Adampur, while they were coming on a black colour motor-cycle make Hero Splendor bearing registration No.PB-08-BV-2785. On their search, a polythene bag tied at the handle of the motorcycle, containing 58 injections make Rexogic

2ml each was recovered. A plastic bottle of two litre having one litre intoxicant liquid was also recovered from carry bag lying in between the thighs of the co-accused of the petitioner, who was riding pillion.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case. He further contends that mandatory provision of Section 50 of NDPS Act regarding search and seizure has not been complied with. He further contends that the petitioner is in custody since 19.8.2018 and nothing more is to be recovered from him. The investigation of the case is complete and co-accused of the petitioner, namely, Bunty has already been released on bail by this Court vide order dated 09.5.2019 passed in CRM-M-51242-2018.

On the other hand, learned State counsel, who is assisted by ASI Niranjan Singh opposed the prayer for grant of bail to the petitioner on the ground that the offence is grievous in nature and huge quantity of contraband i.e. 58 injections of Rexogic 2ml each, was recovered from the petitioner, which falls under commercial quantity.

Considering the stage of the trial and the quantity of contraband recovered, i.e. 58 injections of Rexogic 2ml each, no ground for grant of regular bail to the petitioner is made out

Resultantly, the petition is dismissed.

July 10, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No