

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

CRM-M No.43838 of 2019 (O&M)
DATE OF DECISION : 18th NOVEMBER, 2019

Suraj Bahadur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Jasmeet Singh Ghumman, Advocate for the petitioner.

Mrs. Amarjit Kaur Khurana, DAG, Punjab.

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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.44 dated 10.04.2019 registered under Sections 22 of Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station Division No.1, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. It is further submitted that even as per the case of the prosecution, the alleged recovery from the petitioner is 18 vials of Avil (Phineramine Maleate) each containing 10ml and 16 injections of Buprenorphine IP Rexogesic, each containing 2 ml. It is further submitted that Avil is not declared as prohibited substance. Still further, it is submitted that as per the report of FSL, total quantity of the prohibited substance Buprenorphine found in the entire recovery is only 0.28 mg/ml, which is less than even the small quantity prescribed

for the substance. Learned counsel for the petitioner has placed reliance on judgment of this court passed in **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018, to support his contention. It is further submitted that there is no other case against the petitioner. The petitioner is in custody since 10.04.2019. It is further submitted that charge has been framed and the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, on instructions submits that the petitioner has been found in possession of 18 vials of Phineramine Maleate injection Avil and 16 injections of Buprenorphine. Therefore, a huge recovery of prohibited substance has been made from him. However, it is not disputed that as per the FSL report total quantity of prohibited substance found in the entire recovery is 0.28mg/ml. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

18TH NOVEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>