

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46395-2019
Date of decision-13.12.2019

Ashutosh Sodha

....Petitioner

Vs.

Union Territory Chandigarh

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal Deep Goyal, Advocate for the petitioner.

Mr. Amit Kumar Goyal, APP for U.T.Chandigarh.

MANOJ BAJAJ, J.

Petitioner-Ashutosh Sodha has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.252 dated 30.07.2019 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short NDPS Act) at Police Station Sector-39, Chandigarh. The petitioner is in custody since his arrest on 30.07.2019.

On 30.07.2019, when the police party was on patrol duty at Sector-39, near Petrol Pump, Chandigarh one young man carrying plastic bag in his left hand was seen, who on seeing the Police, tried to run away. On suspicion, he was apprehended and after following the procedure, his search was conducted and 12 injections of Buprenorphine 2 ml each and 12 injections of Pheniramine Maleate 10 ml each were recovered from his possession.

Learned counsel for the petitioner contends that 12 injections of

Buprenorphine falls within the ambit of NDPS Act whereas the other one (Pheniramine Maleate) is not contained in the Schedule of the said Act. He further contends that there is no other case against the petitioner. It is pointed out that the challan stands filed and charges are yet to be framed, therefore, further custody of the petitioner is not justified. It is prayed that the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by Inspector Manjit opposed the bail application. However, it is not disputed that only 12 injections of Buprenorphine falls within the provisions of NDPS Act. It is also not disputed that there is no other case against the petitioner muchless of the similar nature

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

13.12.2019

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No