

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-597-2019 (O&M)
Date of decision:15.01.2019

Sunil Kumar @ Sarbjeet

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Digvijay Nagpal, Advocate
for the petitioner.

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

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.77 dated 23.06.2018 under Sections 22/61/85 of NDPS Act, registered at Police Station Shambhu, District Patiala.

Learned counsel for the petitioner contends that the alleged recovery from the petitioner is of 100 vials of *Avil* and 95 injections of *Rexogesic*, containing prohibited substance Buprenorphine. It is further contented that even if the recovery is taken to be correct, then also the actual quantity of prohibited substance found in the respective entire recovery is less than commercial quantity. Learned counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to support his contention. It is further contented that the petitioner is in custody since 23.06.2018 and there is no other case against him. Challan has already been filed in this case. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by

ASI Mohar Singh, submits that there is heavy recovery of intoxicant from

the petitioner. Even the co-accused of the petitioner, travelling in the same car was found with still more intoxicant material. Therefore, the petitioner is directly involved in offences under the NDPS Act. However, it is not disputed that the actual quantity of prohibited substance recovered from the petitioner is non-commercial quantity and that there is no other case against the petitioner.

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

15.01.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No