

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

260

**C.R.M-M No.55922 of 2018 (O&M)
Date of Decision : 10.01.2019**

Raja Babu

..... Petitioner

Versus

State of U.T.

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Barjinder Singh, Advocate
for Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Gautam Dutt, APP, U.T., Chandigarh.

AJAY TEWARI, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.259 dated 17.12.2017, registered under Section 22 of the NDPS Act, at Police Station Maloya, Chandigarh.

The allegations against the petitioner are that 15 injections of Buprenorphine of 2 ML each and 15 injections of Pheniramine Maleate of 10 ML each were recovered from him.

Custody certificate filed in Court is taken record. As per the custody certificate, the petitioner has undergone more than 1 year and 23 days custody. Further as per the counsel for the petitioner, out of 14 witnesses only 3 witnesses have been examined and the trial is not likely to

be concluded in near future. Further no other case is pending against the petitioner.

Learned APP has accepted these factual assertions.

As regards Pheniramine Maleate, it is stated that neither it is a psychotropic substance nor it is a narcotic drug. Thus the recovery made is only of Buprenorphine. Counsel for the petitioner has relied upon the judgment of this Court in the matter of *Ashok Kumar @ Shoki vs. State of U.T. Chandigarh, passed in CRM-M No.16868 of 2018, decided on 04.07.2018*, wherein this Court has granted bail after 8 months of custody to a person from whom 15 injections of Buprenorphine were recovered. I find this case on parity with that case.

In the circumstances, keeping in view the above facts and the period of incarceration already suffered by the petitioner, without going into the merits of the case, I deem it appropriate to grant regular bail to the petitioner. Ordered accordingly. Bail to the satisfaction of the trial Court/Duty Magistrate.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

January 10, 2019
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No