

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

**Criminal Misc.-M-3326 of 2020**

**Date of Decision: August 17, 2020**

**Rakesh Kumar**

...Petitioner

Versus

**U.T.Chandigarh**

...Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Madan Sandhu, Advocate,  
for the petitioner.

Mr. Deepinder Brar, AAP for U.T.Chandigarh.

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**MANOJ BAJAJ, J. (Oral)**

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.415 dated 14.11.2019, under Section 22 NDPS Act, registered at Police Station, Sector 39, Chandigarh. The petitioner is in custody since his arrest on 14.11.2019.

As per the allegations in the FIR, on 14.11.2019 when SI along with other colleagues reached Sector 39 C-D turn, a boy was seen walking from petrol pump towards Sector 39 C-D turn and it was about 6.40 p.m. The boy was carrying a white heavy polythene in his left hand, who on seeing the police party, immediately turned back and started running while hiding the polythene. He was caught. On enquiry, he disclosed his name as Rakesh Kumar son of Bal Krishan. On checking the polythene, 16 injections of Buprenorphine 02 ML each and 4 injections of Pheniramine maleate 10 ML each were found. On asking, the accused did not produce any permit, licence or prescription of any doctor. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the recovered

contraband is marginally above the non-commercial quantity. According to him, investigation of the case is complete and the challan has been filed on 27.01.2020, therefore, further custody of the petitioner may not be necessary. It is pointed out that the petitioner is not involved in any other case. He prays for grant of regular bail, during the pendency of the trial.

On the other hand, learned State counsel, assisted by Inspector Bhim Sain, while opposing the prayer, submits that the petitioner does not deserve the concession of bail as the contraband recovered from the petitioner falls in commercial quantity. However, it is also not disputed that petitioner is not involved in any other case.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after arrest on 14.11.2019, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, 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/Duty Magistrate, Chandigarh.

The petition is allowed.

**August 17, 2020**  
**ramesh**

**( MANOJ BAJAJ )**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**