

**CRM-M-15580-2020**

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

**CRM-M-15580-2020**  
**Date of Decision: 02.07.2020**

Dinesh Kumar @ Binny

... Petitioner

Versus

State of Union Territory, Chandigarh

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Mohit Garg, Advocate,  
for the petitioner.

Mr. J.S.Toor, APP, U.T. Chandigarh.

**HARNARESH SINGH GILL, J.(Oral)**

Case is being taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case  
FIR No.334 dated 24.09.2019, registered at Police Station Sector 39, U.T.  
Chandigarh, under Section 22 NDPS Act, 1985.

As per the prosecution version, the petitioner was found in  
possession of 12 injections of Buprenorphine 2 ML each and 06 injections  
of Pheniramine Maleate 10 ML each without any permit or licence.

Learned counsel for the petitioner contends that 06 injections of  
Pheniramine Maleate do not fall within the ambit of NDPS Act. He further  
contends that 12 injections of Buprenorphine are marginally above the  
commercial quantity and has relied upon the judgment rendered by this  
Court in **Nishant Jain Vs. Union Territory of Chandigarh 2019 (4)**

**R.C.R. (Criminal) 204**, wherein 12 injections of the aforesaid substance

**CRM-M-15580-2020**

were recovered and the petitioner therein was granted the concession of bail taking that to be little above the commercial quantity.

On the other hand, the learned State counsel opposes the prayer made in the present petition. He has filed the custody certificate of the petitioner through e.mail. Print out of the same is taken on record. He also submits that a DDR under Sections 107/151 Cr.P.C. has also registered against the petitioner. It is not disputed that injections of Pheniramine Maleate do not fall within the ambit of NDPS Act.

I have heard the learned counsel for the parties.

The Coordinate Bench of this Court in *Nishant Jain's case (supra)* has also considered that injections of Pheniramine Maleate do not fall within the ambit of NDPS Act. Moreover, 12 injections of Buprenorphine recovered in the present case are marginally above the commercial quantity.

The petitioner has been in custody since 24.09.2019. The trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**02.07.2020**

parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

|              |                           |   |        |
|--------------|---------------------------|---|--------|
| <b>Note:</b> | Whether speaking/reasoned | : | Yes/No |
|              | Whether reportable        | : | Yes/No |