

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

**CRM-M-17721 of 2020 (O&M)
DATE OF DECISION : 24.08.2020**

Pritam Singh @ Preet

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 258 dated 17.11.2018, registered under Section 22 of NDPS Act, registered at Police Station Kotwali Kapurthala, District Kapurthala.

2. Per FIR, on 17.11.2018, the petitioner was found in possession of 13 intoxicant injections, without any permit or license.

3. Learned counsel for the petitioner contends that though it is yet to be established whether the recovery was effected from the conscious possession of the petitioner. However, even if it is assumed so, the medicine Buprenorphine is easily available for purchase from chemists, of course, on prescription, he contends. The same is invariably purchased for genuine medicinal reasons, being a prescribed drug used for de-addiction purposes. He further contends that the petitioner has been falsely implicated as he is not a drug peddler and at worse, can be attributed with the role of having been found in possession of a medicine, without having the corresponding prescription of the same.

4. On the other hand, learned State counsel opposes the bail plea on the ground that the argument of learned counsel for the petitioner is belied by the fact that petitioner is a habitual offender. Same is reflected from his antecedents, as two more FIRs have been registered against him.

5. Learned counsel for the petitioner in response thereof admits the factum of registration of two more FIRs against the petitioner. But contends that one of the FIR is qua recovery of 10 kgs of poppy husk which is weigh below the commercial quantity i.e 50 kgs prescribed under the NDPS Act. He further contends that the second FIR is qua 2 kgs poppy husk and that too was not recovered from the petitioner but from prime accused Mehtab Singh named in the said FIR.

6. Learned counsel for the petitioner relies upon an order dated 14.07.2020 passed by this Court in CRM-M-13671 of 2020, wherein in somewhat similar circumstances, recovery of Buprenorphine was made from the accused, but he was granted the concession of regular bail.

7. The petitioner is in custody since 17.11.2018. There is no headway in the trial and it is not likely to commence or conclude anytime soon due to covid-19 pandemic. Courts are currently working with restrictions and taking up only urgent matters. Considering the overall scenario, without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

August 24, 2020
shalini

(ARUN MONGA)
JUDGE

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