

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

CRM-M-18023-2020(O&M)
Date of decision: - 27.08.2020

Kulwinder Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ravinder Singh, Advocate for the petitioner.

Mr. S.S. Deol, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 96 dated 19.09.2019 registered under Section 22 of NDPS Act, at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner states that the alleged recovery of 34 injections/glass ampules of Leegesic containing Buprenorphine of 2 ml each and 34 injection vials of Avil of 10 ml each was effected from the petitioner. He further submits that injections of Avil does not cover under the NDPS Act. The petitioner has been in custody since 19.09.2019 and the challan has been presented.

While opposing the prayer made in the present petition, learned State counsel submits that the quantity of Buprenorphine in 34 injections/glass ampules of Leegesic containing of 2 ml each, comes to 68 ml which falls under the commercial quantity. Out of 9 prosecution witnesses, only 1 witness has been examined so far.

I have heard the learned counsel for the parties.

Merely presentation of challan is not a ground for releasing the petitioner on bail, especially when recovery of contraband falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity.

Therefore, finding no merit in the present petition, the same is dismissed.

(HARNARESH SINGH GILL)
JUDGE

27.08.2020

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No