

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

**Criminal Misc. No.M-21309 of 2020
Date of Decision: 13.08.2020**

Ajay

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Arti Kaur, Advocate
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is second petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.0087 dated 14.07.2017 under Sections 21/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) registered at Police Station City Nawanshahr, District SBS Nagar. The earlier petition filed by the petitioner i.e. CRM-M-47817-2018 *Ajay Kumar Vs. State of Punjab* was dismissed as withdrawn vide order dated 10.12.2018.

Learned counsel for the petitioner has submitted that the alleged recovery made from the petitioner is 80 injections of Avil

containing 10 ml each and 80 injections of Buprenorphine Hydrochloride containing 2 ml each. She has argued that the injections of Avil does not fall within the ambit of NDPS Act. Moreover, as against the nine witnesses cited by the prosecution, only three witnesses have been examined and the case is now fixed for 16.08.2020, on which date, three witnesses have been summoned for examination. However, due to Covid-19, the trial is not going to be concluded in near future whereas the petitioner is in custody since 14.07.2017 i.e. 2 years, 11 months and 12 days. He has relied upon order dated 14.07.2020 passed by this Court in CRM-M-13671-2019 *Baldev Raj @ Sonu Vs. State of Punjab*, wherein the petitioner-therein was found in possession of 100 ampoules of Roxegesic (Buprenorphine) of 2 ml each and 100 vials of Avil of 10 ml each. He has also placed reliance on order dated 30.07.2020 passed in CRM-M-13106-2020 *Rajan Vs. State of Punjab* wherein the petitioner-therein was found in possession of 90 injections of Buprenorphine and 90 injections of Avil and this Court admitted the accused on bail.

Learned State counsel does not dispute the custody of the petitioner as well as the recovery so made from him. However, he submits that since the petitioner was found in possession of 80 injections of Avil and 80 injections of Buprenorphine Hydrochloride, he is not entitled for bail.

I have heard learned counsel for the parties.

Admittedly, as against the 9 witnesses cited by the prosecution, only 3 witnesses have been examined so far. No doubt, the alleged quantity of contraband so recovered from the petitioner falls in

Commercial Category, but keeping in view the fact that due to Covid-19, the trial in the case is not going to be concluded in near future and in the light of orders passed by this Court in ***Baldev Raj @ Sonu (supra)*** and ***Rajan (supra)***, this Court deems it appropriate to release the petitioner on regular bail. Moreover, no other case has been pointed out against the petitioner under the NDPS Act.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

August 13, 2020
AK

(**HARI PAL VERMA**)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No