

CRM-M-27542-2020 (O&M)

Date of Decision : 04.12.2020

Harpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Vishal Sharma, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)**

The present petition has been filed under Section 439 of Cr.P.C. for grant of concession of regular bail to the petitioner in FIR No.105, dated 02.06.2020 under Section 22/61/85 of the NDPS Act, 1985, registered at Police Station Garhshankar, District Hoshiarpur, Punjab.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he was not involved in the present case at all. He has further submitted that because of the enmity, he has been roped up in the present case. Learned counsel has further submitted that investigation in the present case is complete and challan has been presented on 28.10.2020. He further submitted that the petitioner is in custody since 02.06.2020 and, therefore, he is in custody for the last about 6 months. Learned counsel has further submitted that the alleged recovery is of 10 injections of Buperonorphine containing 2ml each and the alleged quantity comes to 20ml, which is equal to 20mg, therefore, the bar of Section 37 of NDPS, would not be attracted. He further submitted

that there are three other FIRs registered against the petitioner but the same are not under the NDPS Act. The same are under the Excise Act, which are also pending against the petitioner.

On the other hand, learned State counsel has opposed to the grant of concession of regular bail to the petitioner in view of the alleged recovery of 10 injections/intoxicants of Buperonorphine.

I have heard the learned counsel for the parties.

Admittedly, the petitioner is in custody since 02.06.2020, which is almost 6 months and the investigation of the case is already complete. The challan stands presented on 28.10.2020. So far as the recovery of 10 injections containing 2ml each is concerned, total comes to 20ml only. However, learned counsel has submitted that as per Section 66 of the NDPS Act, any person is entitled to retain 100 dozes of injections, which will doubt the prosecution. This aspect has been dealt with by this Court in CRM-M-13312 of 2020, titled '*Sukhwinder Singh @ Vicky versus State of Punjab*', the present case is squarely covered by the aforesaid judgment.

In view of the above, the present petition is allowed. The petitioner is admitted to bail on his furnishing adequate bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(JASGURPREET SINGH PURI)
JUDGE

December 04, 2020
Manpreet

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