

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30093-2020 (O&M)
Date of Decision: 01.10.2020

Gobinda Singh

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of regular bail in case FIR No. 14 dated 4.2.2020 under Section 22 of NDPS Act, 1985 and Section 207 of the Motor Vehicles Act, 1988 registered at Police Station Rahon, District SBS Nagar.

It has been stated by learned counsel for the petitioner that 12 injections of Buprenorphine and 12 injections of Avil have been recovered from the possession of the petitioner. The petitioner along with the co-accused were apprehended on 4.2.2020. 8 injections of Buprenorphine were recovered from the co-accused Mukesh Mishra who has already been extended concession of bail by the learned Judge, Special Court, Shaheed Bhagat Singh Nagar. The quantity of contraband recovered from the possession of the petitioner is marginally above the commercial quantity. Learned counsel for the petitioner has placed reliance upon CRM-M-4122-2020 titled as Nisha Vs. U.T. Chandigarh; decided on 17.8.2020, CRM-M-15580-2020 titled as Dinesh Kumar @ Binny Vs. State of Union Territory Chandigarh; decided on 2.7.2020 and CRM-M-51519-2019

titled as Varinder Kumar Vs. State of Punjab; decided on 10.12.2019,
wherein the concession of bail was granted to the accused in case of recovery of 12 injections of Buprenorphine.

It has been further stated that the petitioner is not involved in any other case, the investigation of the case is complete and challan has already been presented in the Court.

Learned State counsel, on instructions from ASI Ram Lal has not disputed the factual aspect of the matter but has argued that quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity.

It may be mentioned here that the quantity of contraband recovered from the conscious possession of the petitioner is marginally above the commercial quantity. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in custody.

In these set of circumstances, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

01.10.2020

Janki

(VIVEK PURI)
JUDGE

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