

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.29525 of 2019
DATE OF DECISION:29.01.2020

Sunny

...Petitioner

Vs.

U.T.Chandigarh

...Respondent

CORAM:- HON'BLE MR.JUSTICE LALIT BATRA

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Rajeev Anand, APP, U.T., Chandigarh.

LALIT BATRA, J. (Oral)

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Sunny** in case F.I.R. No.28 dated 17.02.2019 under Section 22 of NDPS Act, 1985 (hereinafter to be referred to as 'Act, 1985') registered at Police Station West Sector 11, District Chandigarh.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally false, concocted and frivolous and there is no iota of truth therein. He further urges that alleged recovery of contraband is highly doubtful as mandatory provisions of Section 50 of Act, 1985 have not been complied with. He further submits that police did not make any effort to join any independent witness. He further submits that petitioner is in custody since 18.02.2019. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner (accused) in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that petitioner was apprehended while having conscious possession of 12 injections of 2 ml each of “Buprenorphine” and 12 injections of 10 ml each of Pheneramine Maleate. “Buprenorphine” is a Psychotropic Substance under the provisions of Act, 1985. He further submits that FSL report depicting nature of contraband has already been received from quarter concerned. He further submits that quantity of 12 injections of 2 ml each of “Buprenorphine” falls under the commercial quantity. He further submits that apart from instant case FIR, petitioner is involved in three more cases, bearing FIR No.211 dated 21.07.2018 under Section 21 of Act, 1985, Police Station West Sector 11, Chandigarh; FIR No.149 dated 29.06.2017 under Section 20 of Act, 1985, Police Station West Sector 11, Chandigarh and FIR No.39 dated 07.02.2015 under Section 21 of Act, 1985, Police Station Sector 39, Chandigarh. He further submits that previous bail application of petitioner in the instant case FIR has already been dismissed, vide order dated 10.05.2019 passed in CRM No.20745 of 2019 (O&M) and there is no change in scenario after the disposal of above said petition. He further submits that keeping in view gravity of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that allegedly petitioner was apprehended while

having conscious possession of 12 injections of 2 ml each of “Buprenorphine”, which is a Psychotropic Substance under the provisions of Act, 1985, and the above said contraband falls in commercial quantity, thus, keeping in view gravity of offence, petitioner does not deserve the concession of bail.

As a sequel to above, instant petition for grant of regular bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

29.01.2020

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