

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

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CRM-M-35968-2020

Date of Decision: November 11, 2020

Rinku

.....Petitioner

versus

State of U.T. Chandigarh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dinesh Maurya, Advocate
for the petitioner.

Mr. Rajiv Sharma, APP, UT, Chandigarh.

VIVEK PURI, J. (ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic

The petitioner is seeking regular bail in case bearing FIR No. 37 dated 04.02.2017, under Section 22 of NDPS Act 1985, registered at Police Station South, Sector-34, Chandigarh.

The case has been registered in pursuance of recovery of 10 injections of Buprenorphine Omegsic and 10 injections of Pheniramine Maleate from the possession of accused Vijay Dass. Subsequently, in pursuance of the disclosure statement, Sukhjinder Singh and Rinku were nominated as accused. 50 Injections of Buprenorphine 2 ml each were recovered from Sukhjinder Singh, while 250 injections of Buprenorphine 2 ml each were recovered from the petitioner.

It has been contended by the learned counsel for the petitioner that he is in custody for the last about 3 years and 9 months. The trial is getting delayed on account of COVID-19 pandemic. The co-accused are on bail.

On the contrary, it has been pointed out by the learned counsel for

the State that the present case cannot be termed to be at parity with the co-accused as 250 injections of Buprenorphine have been recovered from him. Moreover, as per the proviso to Section 66 of NDPS Rules, 1985, at the most, the quantity permissible to be kept in possession for personal medical use is 100 dosage units at a time. In the instant case, 250 dosage units have been recovered from the petitioner. Moreover, two other cases are pending against the petitioner. Besides, the petitioner has been convicted in seven cases including one under NDPS Act, though acquitted in one case. The quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity. It has been further stated that 11 witnesses have been examined and only two witnesses remain to be examined.

In the instant case, the quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity, as such, the stringent provisions of Section 37 of the Act came into. There is nothing to suggest that the petitioner has not committed the offence and not likely to commit the offence while on bail, particularly because he has been involved in other criminal cases. The case of the petitioner cannot be treated to be at par with the co-accused, as quantity of contraband recovered from him is in fact 250 injections of Buprenorphine.

In the set of circumstances, no ground is made out to extend the concession of bail to the petitioner.

Accordingly, the bail application is dismissed.

November 11, 2020

Manju

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No