

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: January 07, 2020

Bhupinder Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raj Kumar Gupta, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Bhupinder Ram has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.41 dated 26.03.2019, under Section 22 NDPS Act, 1985, registered at Police Station, City Nawanshahar, District SBS Nagar.

The FIR was registered with the allegations that on 26.03.2019, the police party nabbed Bhupinder Singh at Barnala Kalan curve. After following the proper procedure, his search was conducted and 30 injections of Buprenorphine and 30 injections of AVIL were recovered from his possession.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The alleged injections were for personal consumption of the petitioner and as per Rule 66 of the NDPS Rules, 1985, a person can possess 100 doses of psychotropic substance

without any prescription and it does not constitute any offence. He submits that there is no other case pending against the petitioner, therefore, further custody of the petitioner is not required.

Learned State counsel, who is assisted by HC Gurmeet, while opposing the prayer of the petitioner, has contended that the quantity recovered from the petitioner falls within the ambit of commercial quantity. Charges have been framed against the petitioner and four prosecution witnesses have been examined, therefore, the petitioner does not deserve the concession of regular bail.

At this stage, this Court is not inclined to entertain the argument raised by the learned counsel for the petitioner, whereby reliance has been placed upon Rule 66 NDPS Rules, 1985 as admittedly the charges have been framed and the trial is in progress. It is not disputed by the learned counsel for the petitioner that the said order framing the charges was never challenged by him, therefore, without commenting anything on the merits of the case, this Court is not inclined to extend the benefit of regular bail to the petitioner at this stage.

Petition is dismissed.

January 07, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No