

CRM-M-46998-2019

Date of decision: 10.02.2020

HARWINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Nitesh Sanghi, Advocate
for the petitioner.

Mr. Balbir Singh Sewak, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

As per allegations putforth in the FIR No. 87, dated 13.04.2019, under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985, Police Station Sirhind, District Fatehgarh Sahib, on 13.04.2019 10 injections of Buprenorphine Injections IP 2 ml and 10 injections Avil-10 ml were recovered from the possession of the petitioner.

It has been conceded that Avil does not fall within the purview of NDPS Act. The recovered quantity of Buprenorphine is to the extent of 20 grams and the commercial quantity starts from 20 grams. The quantity of the contraband which was recovered from the petitioner is on border line and it becomes debatable as to whether it falls in the commercial or non-commercial quantity.

Learned counsel for the petitioner has relied upon two orders of this Court in *CRM-M-21857-2019 titled as Harish @ Abdul Versus U.T., Chandigarh* decided on 16.10.2019 and *CRM-M-47810-2018 titled as Sandeep Kumar @ Seepa Versus State of Punjab*, decided on 02.11.2018 wherein, the bail

Buprenorphine of 2 ml. The arrest of the petitioner was effected on 13.04.2019 and he is in custody for last about 9 months and 2 days.

Learned State counsel has not disputed the factual position.

The investigation of the case is complete and the challan has already been presented.

No useful purpose will be served by detaining the petitioner behind the bars as custodial interrogation of the petitioner is over and he is in judicial custody. The conclusion of trial may take sometime. As such, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10.02.2020
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(VIVEK PURI)
JUDGE

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