

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

**225**

**CRM-M-6216-2021 (O&M)**

**Date of decision: 20.08.2021**

**KULWINDER KUMAR**

...Petitioner

Versus

**STATE OF PUNJAB**

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Anmol Puri, Advocate for  
Mr. Keshav Partap Singh, Advocate  
for the petitioner.

Mr. Hittan Nehra Addl. A.G. Punjab.

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**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

Through this 2<sup>nd</sup> petition, the petitioner seeks regular bail in case bearing FIR No.96 dated 19.09.2019, under Section 22 of NDPS Act, 1985, registered at Police Station Kathgarh, Shaheed Bhagat Singh Nagar, Punjab.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the recovery of 34 injections/glass ampules of Leegesic containing Burprenorphine of 2 ml each and 34 injections vials of Avil of 10 ml each, was effected from the polythene bag, which was alleged to be thrown by the petitioner in the bushes and that the petitioner has been in custody since 19.09.2019.

On the other hand, while opposing the prayer for grant of bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the recovery effected from the petitioner

falls under the commercial quantity and in view of the bar contained in Section 37 of the NDPS Act, 1985, the petitioner is not entitled for the concession of bail. It is still further submitted that earlier this Court vide order dated 27.08.2020 had dismissed the bail petition preferred by the petitioner and there being no change in the circumstances, the petitioner is not entitled for such concession.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 19.09.2019. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial of the case is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**20.08.2021**

*Aman Jain*

**(HARNARESH SINGH GILL)**  
**JUDGE**

*Whether reasoned/speaking?*  
*Whether reportable?*

*Yes/No*  
*Yes/No*