

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

CRM-M-9083-2021
Date of Decision : 02.03.2021

Maninderjit Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Harkaran Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.79 dated 15.08.2020 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Singh Bhagwantpur, District Rupnagar, Punjab.

Learned counsel for the petitioners submits that the recovery from the petitioners as per entry 169 in the schedule attached to NDPS Act qua the salt of *Buprenorphine* is commercial, if it is above 20 grams.

Learned counsel for the petitioners further submits that the recovery from the petitioners is of 20 grams and it will be a matter of trial whether it should be treated as non-commercial quantity or not.

Learned counsel for the petitioners further submits that the petitioners are not involved in any other case under the NDPS Act and they are the first offenders.

Learned counsel for the petitioners further submits that since the conclusion of trial is likely to take a long time, the petitioners may be enlarged on bail.

Learned State counsel has filed the custody certificate and as per the custody certificate, both the petitioners are in custody for the last about 06 months and are not involved in any other case.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the aforesaid submissions made by learned counsel for the parties, the instant petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

02.03.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No