

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201 (PROCEEDINGS THROUGH V.C.)

CRM-M-10026-2021

Date of decision: 27.07.2021

ISLAM KHAN

...PETITIONER

VERSUS

STATE OF UT CHANDIGARH

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.K.Agnihotri, Advocate,
for the petitioner.

Mr. Ashu Mohan Punchhi, Public Prosecutor with
Mr. Anupam Bansal, Additional Public Prosecutor for
Union Territory of Chandigarh.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this application is for grant of regular bail to the petitioner in FIR No. 06 dated 18.01.2020 registered under Section 22 of the NDPS Act at Police Station Mauli Jagran, Chandigarh.

It is the contention of the learned counsel for the petitioner that the recovery, which has been effected from the petitioner, is in violation of the NDPS Act as no notice has been given as required under the said Act. He asserts that even the Arrest Memo does not bear the time of his arrest although the date of arrest is mentioned as 18.01.2020 (Annexure P-6).

Further contention of the counsel for the petitioner is that the petitioner is in

custody since 18.01.2020 i.e. for more than 1 ½ years with the trial yet to be concluded, therefore, the petitioner be granted the concession of bail.

Learned counsel for the respondent-UT Chandigarh has opposed the prayer of the petitioner by asserting that the recovery, which has been effected from the petitioner, is 20 injections of Buprenorphine and 20 injections of Pheniramine Maleate, which is double the minimum quantity for declaring it as commercial. That apart, he asserts that all endeavours have been made by the prosecution to complete the trial especially in the light of the order which has been passed by this Court on 23.04.2021. The prevailing circumstances relating to Covid-19 has been an impediment with regard to the progress of the trial, however, all efforts have been made to expedite the trial.

I have considered the submissions made by the learned counsel for the parties. Keeping in view the fact that the commercial quantity of a narcotic substance has been recovered from the petitioner, the objections, which have been pointed out by the counsel for the petitioner with regard to his search and arrest, are aspects to be considered during the trial on the basis of evidence to be led by the prosecution. There is already an order which has been passed by this Court on 23.04.2021 for expediting the trial. The interim orders, which have been placed on record, depict that all efforts have been made to proceed with the trial despite the prevailing circumstances.

In the light of the above, I do not find this to be a fit case where the prayer of the petitioner can be accepted. The application, therefore, stands dismissed.

However, a direction is issued to the trial Court to conclude the

trial at the earliest in the light of the order dated 23.04.2021 passed by this Court.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

July 27, 2021

[pj](#)

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No