

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

**CRM-M-20022 OF 2021 (O&M)
DATE OF DECISION : 25.05.2021**

Lakhwinder Ram @ Lakhi

...Petitioner

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. G. S. Simble, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Through instant petition, petitioner is seeking grant of regular bail in case FIR No.20 dated 29.01.2021 under Section 22 of NDPS Act registered at Police Station Nawanshahar, District SBS Nagar.

2. Per FIR, 12 injections of “Buprenorphine of 02 ML each and 12 injections of “Avil” of 10 ML each were recovered from the black coloured polythene which was lying on the seat of car bearing registration No. HP-58A-0715, which was being driven by the petitioner. The petitioner failed to produce any permit or license for keeping the said injections.

3. The petitioner is stated to be in custody since 29.01.2021.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the case. Nothing was recovered from conscious possession of the petitioner. He was picked up from his house and later on involved in the present false case. He further argues that 12 injections of Avil

allegedly recovered from the petitioner are not covered under the NDPS Act. He further argues that report of Chemical examiner is yet to be received and therefore, it cannot be ascertained at this stage as to whether the contraband recovered falls under the NDPS Act or not. It is further contended that petitioner has no criminal antecedents as no other case is pending against him.

5. Learned counsel further argues that investigation is still in progress and challan is yet to be presented. The trial is not likely to commence anytime soon as the Courts are working in restricted manner due to current pandemic conditions caused due to Covid-19.

6. On the other hand, learned State counsel opposes the bail plea on the ground that the quantity recovered from the petitioner i.e 12 injections of Buprenorphine, falls within the commercial quantity.

7. Having heard learned counsel for the petitioner as well as learned State counsel, I am of the view that the petitioner is entitled to be released on bail. As regards the veracity of arguments of learned counsel for the petitioner as noted above, the same are matter of trial, the commencement of which, due to the current pandemic scenario is likely to get delayed. Courts are also currently working under restrictions. The challan is stated to be under preparation and is likely to be filed soon before the trial Court. In view thereof, the petitioner is not required for any further investigation. I am of the view that no useful purpose would be served by keeping the petitioner in further preventive custody.

8. In the premise, the instant petition is allowed. The petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the

satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate/Illaqua Magistrate, as the case may be.

9. It is, however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

MAY 25, 2021
Shalini

(ARUN MONGA)
JUDGE

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