

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

ASHOK KUMAR
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CRM-M-29111-2021 (O&M)

Date of decision: 02.08.2021

VISHAL

..Petitioner

Versus

THE STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Charanpreet Singh, Advocate for the petitioner.
Ms. Bhavna Gupta, DAG, Punjab.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the second petition for grant of bail, pending trial, in a criminal case arising from FIR No.65, dated 11.07.2019, registered under Section 22 of the NDPS Act, 1985, at Police Station Sadar Nawanshahr, District SBS Nagar.

The first petition was dismissed on 03.11.2020, after noticing that the alleged recovery falls under the category of commercial. As per the case of the prosecution, the petitioner was apprehended with 12 injections each of Buprenorphin Hydrochloride and Avil. Admittedly, the Avil does not contain any prohibited substance. Hence, the petitioner has been apprehended with 12 Buprenorphin Hydrochloride of 2 ml each, containing prohibited substance.

No doubt, the petitioner is a previous convict, wherein

previously vide judgment dated 13.02.2014, he was sentenced for 2 months imprisonment, as the recovery made from him did not fall under the category of commercial.

The learned State counsel does not dispute that there is no case against the petitioner between 13.02.2014 and 11.07.2019. The petitioner is in custody since 11.07.2019 i.e. for a period of 2 years. The prosecution has proposed to examine total 10 witnesses, however, as of now, only 1 witness has been examined. The conclusion of trial is likely to take time. The petitioner has already suffered incarceration for a period of 2 years.

Without commenting upon the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail bonds and surety bonds to the satisfaction of the learned Trial Court/Chief Judicial Magistrate/Duty Magistrate.

All the pending miscellaneous applications, if any, are also disposed of.

02.08.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)**JUDGE**