

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-32072 of 2021
Date of decision:13.08.2021

Karan Anand

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Karan Sachdeva, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in case FIR No.190 dated 20.09.2018 registered under Sections 21, 22 of [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (for short “NDPS Act”) (Sections 61 and 85 of NDPS Act, have wrongly been mentioned in the petition) at Police Station City Rupnagar.

As per the version of the prosecution, FIR (Annexure P-1) was registered after 10 injections of Buprenorphine of 2 ml each, 10 injections of AVIL, 10 ml each, 3 packets of Lupital, each packet containing 100 tablets, total 300 tablets, were recovered on checking from Karan Anand

(present petitioner) and 7 injections of Buprenorphine of 2 ml each, 7 injections of AVIL of 10 ml each, 3 packets of Lupital, each packet contained 100 tablets, total 300 tablets, were recovered from Honey Kumar when they were checked based on suspicion. The petitioner was arrested on 20.09.2018.

Counsel for the petitioner has contended that recovery effected from the petitioner works out to 20 ml of Buprenorphine and 24.3 grams of Diphenoxylate Hydrochloride which falls within the ambit of non-commercial quantity as laid down in the notification issued under the provisions of NDPS Act. He has referred to the definition of “commercial quantity” as provided in Section 2(viia) to submit that any quantity greater than the quantity specified in the notification is classified as “commercial quantity”. He submits that the petitioner is not involved in any other case under the NDPS Act, though he has been named as an accused in other two cases registered against him for offences under the Prisons Act and a third case registered against him under Sections 457 and 380 of IPC, in which he is on bail. He urges that investigation is complete, challan has been presented, the prosecution evidence is underway and the petitioner, who is in custody since the date of registration of the FIR, deserves to be released on bail.

Per contra, State counsel upon instructions from SI Krishan Lal has opposed the petition. He has submitted that the challan has been presented on 18.01.2019, charge has been framed on 14.03.2019 but only 03 out of total 14 prosecution witnesses, could be examined as the trial has not

been progressing due to restrictive functioning of the Courts because of the spread of pandemic.

Having considered the arguments addressed by counsel for the parties and keeping in view the quantity of the contraband recovered from the petitioner,his unblemished antecedents and the incarceration period of more than 02 years and 10 months, this Court is prima facie of the view that he deserves to be enlarged on bail.

Without commenting anything on the merits or demerits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

August 13, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes