

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

**CRM-M-29882-2020
Date of decision: 08.11.2021**

Naman Khanna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sahil Puri, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 147 dated 13.08.2018, registered under Section 22 of the NDPS Act, 1985 at Police Station City Phagwara, District Kapurthala.

Learned counsel for the petitioner submits that as per allegations in the FIR, on receiving an information from the Civil Hospital that the petitioner and co-accused Eici @ Ajay were caught by the people along with intoxicant tablets, investigation was started and 65 injections of *Buperonorphine* and 65 injections of *Avil* were recovered from the petitioner.

Learned counsel for the petitioner further submits that only the salt of *Buperonorphine* falls under the ambit of NDPS Act and the petitioner is in judicial custody for the last 02 years, 11 months and 05

days and the conclusion of trial is likely to take a long time.

It is further submitted that at the first instance when the petitioner was apprehended, it was by a Constable of Home Guard.

Learned State counsel has filed the custody certificate along with the affidavit of the DSP, Sub Divison Phagwara. As per the custody certificate, the petitioner stands convicted in one more case under the NDPS Act for 10 years and he is undergoing the sentence. The petitioner is also involved in one more case under the NDPS Act and the present case is the third case against the petitioner under the NDPS Act.

As per aforesaid affidavit, after receiving the information, the FIR was registered on the statement of ASI Onkar Singh and thereafter, ASI Onkar Singh along with other police officials reached hospital and by following the proper procedure, the recovery was effected.

After hearing learned counsel for the parties, considering the fact that petitioner stands convicted for 10 years in another case under the NDPS Act and apart from the present case, he is also facing trial in one more case under the NDPS Act, I find no ground to grant him the concession of regular bail.

Accordingly, the present petition is dismissed.

08.11.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No