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

(Through video conferencing)

**CRM-M No.37780 of 2020(O&M)
Date of Decision: 05.10.2021**

Baljeet Singh @ Happy

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. SPS Khaira, Advocate
for the petitioner.

Mr. Amar Ashok Pahak, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.126 dated 16.07.2020 registered under Section 22 of the NDPS Act at Police Station Khamano, Tehsil Khamano, District Fatehgarh Sahib.

As per allegations, 20 injections of Buprenorphine and 17 bottles of Avil were recovered from the petitioner.

Learned counsel for the petitioner submits that Avil is not covered under NDPS Act. Learned counsel refers to **CRM-M No.5207 of 2014** titled **Saleem Mohd. Vs. State of Punjab**

(DB) decided on 04.11.2015 and contends that in view of interpretation attached to Rule 66 of NDPS Rules of 1985, a person can possess 100 doses of such like psychotropic substance even without medical prescription. Learned counsel also refers to **CRM-M No.13312 of 2020** titled **Sukhwinder Singh @ Vicky Vs. State of Punjab** decided on 10.11.2020 and contends that in case of 70 injections of Buprenorphine Rexogesic 02 ml each, the High Court after considering numerous cases granted regular bail to the accused. Petitioner was arrested on 16.07.2020.

Per contra, learned State counsel opposed the bail on the ground that the quantity recovered from the petitioner is commercial in nature. He further submits that challan has been presented and charges have been framed, but no prosecution witness has been examined so far.

As per custody certificate produced by learned State counsel, the petitioner is not involved in any other case.

In view of aforesaid facts, this Court deems it appropriate to consider the alleged culpability of the petitioner on *prima facie* consideration and direct the petitioner to be released on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

05.10.2021	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No