

232

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42815-2021
Date of Decision: 24.11.2021

VIVEK ALIAS SAHIL

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. S.S. Dinapur, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail under Section 439 Cr.P.C. on behalf of the petitioner, in case FIR No.55 dated 09.04.2021, under Sections 21 and 22 of the NDPS Act, 1985 registered at Police Station Ambala City, District Ambala, Haryana.

[2]. The petitioner was allegedly to be found in possession of 17 injections of "Buprenorphine" weighing 34 ML, apart from another 20 injections of "Avil." Avil is not covered under the schedule of the NDPS Act.

[3]. Ld. Counsel for the petitioner relies on the decision of the Division Bench of this Court in "*Saleem Mohd. vs. State of Punjab, 2015 (5), Law Herald 3939*", on the basis of which, benefit of bail had been extended in terms of Rule 66(ii) of the NDPS Rules, 1985, according to which, a person can possess upto 100 doses of the medicinal drug recovered from him in the absence of any medical prescription.

[4] In addition the decisions of the Coordinate Benches in ***“Sandeep Kumar @ Sanju Vs. State of Haryana” and “Aruna @ Runa Vs. State of U.T. Chandigarh”***, have also been relied upon in which the accused persons from whom a matching quantity of Buprenorphine injections had been recovered were released on bail, considering the period of detention already undergone by them, being in excess of 07 months and 05 months respectively.

[5] In the present case, the petitioner has already undergone detention for 7 ½ months since 09.04.2021.

[6]. As such, further detention of the petitioner for an indefinite period is not justified.

[7]. In the circumstances, considering the long detention already undergone by the petitioner, he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[8]. Disposed off.

24.11.2021

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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No