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

(Through video conferencing)

**CRM-M No.54068 of 2019
Date of Decision: 20.09.2021**

GAGAN ALIAS GOGI

.....Petitioner

Vs

STATE OF UT CHD

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Dadwal, Advocate
for the petitioner.

Mr. Rajiv Vij, APP UT Chandigarh.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.160 dated 02.10.2019 registered under Section 22 of the NDPS Act at Police Station Maloya, UT, Chandigarh.

As per allegations, 15 injections of Buprenorphine 2 ML each and 15 injections of Pheniramine Maleate each containing 10 ML were recovered.

Pheniramine Maleate is not covered under the Schedule attached to NDPS Act. 15 Injections of Buprenorphine 2 ML each would bring out the quantity to 30 ML which is in

excess of the prescribed commercial quantity.

Learned counsel for the petitioner submits that the petitioner was granted interim bail by the High Court vide order dated 07.10.2020 keeping in view the custody of the petitioner for more than 1½ years.

Learned counsel further submits that in view of interpretation attached to Rule 66 of Narcotic Drugs and Psychotropic Substances Rules of 1985, a person can possess 100 doses of such like psychotropic substance even without medical prescription. Learned counsel by referring **CRM-M No.5207 of 2014** titled '*Saleem Mohd vs State of Punjab*' decided on 04.11.2015 by the Hon'ble Division Bench of this Court and **CRM-M No.13312 of 2020** titled '*Sukhwinder Singh @ Vicky vs State of Punjab*' decided on 10.11.2020 contends that even in case of 70 injections of Buprenorphine Rexogestic 02 ml, bail was granted by this Court after considering the interpretation attached to Rule 66 of 1985 Rules.

On the strength of aforesaid precedents, learned counsel for the petitioner seeks grant of regular bail.

Learned counsel further submits that charges have been framed. Only one prosecution witness had appeared and he was also given up by the prosecution. No other witness has

been examined so far.

Learned APP for UT Chandigarh however opposed the bail on the ground that there is a recovery of commercial quantity. Petitioner is having antecedent behaviour of criminal activity and he is involved in other cases also. He refers to the custody certificate of the petitioner to show his involvement in FIR No.90 of 2017 under Section 20 of the NDPS Act, Police Station Maloya, Chandigarh, in which 500 grams of *ganja* was allegedly recovered and the petitioner is on bail.

Looking to the aforesaid facts, I deem it appropriate to enlarge the petitioner on regular bail, without adverting anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on 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 any opinion on merits of the case.

September 20, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No