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

CRM-M-3178-2022

Decided on: 2nd March, 2022

Gurjant Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Anil Kumar Lamdharia, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral).

[1] This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 82, dated 21st April, 2021 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [for brevity 'the Act'] and Sections 379, 411 and 473 IPC, registered at Police Station Fatehgarh Sahib.

[2] As per the case set up, police apprehended Gurjant Singh (petitioner) and Vikramjit Singh @ Vicky on 21st April, 2021 while they were riding a motorcycle bearing registration No. PB-23Y-7598. From the possession of petitioner, 10 injections of Buprenorphine and 10 vials of Avil injections were recovered. Recovery from co-accused was 20 injections of Buprenorphine and 20 vials of Avil.

[3] Learned counsel for the petitioner submits that petitioner

is in custody since 21st April, 2021, recovery effected is at border line of commercial quantity and Avil is not covered under the Act and petitioner is not involved in any other case under the Act. It is contended that investigation is complete.

[4] Learned State counsel opposes the prayer for grant of bail and submits that total recovery from both the accused was of commercial quantity. However, she fairly submits that investigation is complete, challan stands presented and out of 14 prosecution witnesses, one has been examined.

[5] Considering the recovery made, custody period, petitioner has no criminal antecedents and that though challan stands presented but conclusion of trial is likely to take time, petitioner is granted regular bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[6] The petition is allowed.

[7] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

2nd March, 2022

pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes