

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

**CRM-M-14204-2022 (O&M)
Date of decision: 04.07.2022**

Som Nath

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Saurav Bhatia, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 60 dated 26.11.2021 registered under Section 22 of the NDPS Act, at Police Station Mukandpur, District Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner submits that as alleged, the petitioner was apprehended with 5 injections of Buprenorphine containing 2 ML in each vial, which falls under the non-commercial quantity; that the petitioner has been in custody since 26.11.2021; that the prosecution witnesses are yet to be examined and that there is no other pending or decided case against the petitioner under NDPS Act

Learned State counsel opposes the prayer for bail. However, he

does not dispute the custody period of the petitioner and the facts that there is no other pending or decided case against the petitioner under NDPS Act and the recovery effected from the petitioner is non-commercial. He submits that the prosecution evidence is yet to be started.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 26.11.2021. The recovery effected from the petitioner fall under the non-commercial quantity. The petitioner is not involved in any other case under the NDPS Act. The prosecution witnesses are yet to be examined. The conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

04.07.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No