

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

**CRM-M-18657-2022
Date of Decision : 25.08.2022**

Sunny Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Talwinder Singh, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab
for the respondent-State.

JASGURPREET SINGH PURI, J(ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR bearing No.73 dated 10.07.2021, under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (in short 'the Act') (Sections 21 and 29 added lateron), registered at Police Station Dhakoli, District SAS Nagar.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody from July, 2021 which is almost one year and one month; the investigation of the case has been completed and thereafter challan has been presented before the competent court. He further submitted that two witnesses have already been examined in the present case. Learned counsel submitted that the petitioner has got clean antecedents and he is not involved in any other case and he has been falsely implicated in the present case. Learned counsel has further

were caught with 15 injections of Buprenorphine of 2ml each and 15 injections of AVIL and so far as the present petitioner is concerned, there was a recovery of only 6 grams of heroin. He has submitted that so far as the injections of AVIL is concerned, the same are not covered within the purview of NDPS Act and so far as the alleged recovery of heroin of 06 grams is concerned, the same is also a non-commercial quantity; so far as the 15 injections of Buprenorphine of 2ml each is concerned, although it is marginally higher than the commercial quantity but carrying of the Buprenorphine injections for medical purposes upto 100 doses is permissible under Rule 66 of the NDPS Rules. He has also relied upon a judgment of **Sukhwinder Singh @ Vicky vs. State of Punjab 2021 (1) RCR (CrL) 177** in support of his contention.

On the other hand, learned State counsel has stated that it is correct that the petitioner is in custody for more than one year and he is not involved in any other case.

I have heard the learned counsel for the parties.

The petitioner is in custody for more than one year and he is not involved in any other case as per the learned counsel for the parties. So far as the alleged recovery of 06 grams of heroin is concerned, the same is non-commercial quantity and so far as the 15 injections of Buprenorphine are concerned, although marginally higher than the commercial quantity but as per the learned counsel for the petitioner, the same can be used for medical purpose without prescription and has also relied upon Rule 66 of the NDPS Rules and also judgment of this Court in **Sukhwinder Singh's case** (supra).

After hearing learned counsel for the parties and considering the aforesaid facts and circumstances, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

25.08.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No