

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21129-2022 (O&M)
Date of Decision:- 06.12.2022

Warish ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saleem Ahmed, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 03, dated 01.01.2022, Police Station Dhauj, District Faridabad, under Section 22(c) of NDPS Act (Sections 61 and 85 of NDPS Act added later on) wherein the allegations are broadly to the effect that the petitioner was found in possession of 10 injections of 'Buprenorphine' containing 2 ML each.
2. Learned counsel for the petitioner submits that the recovered contraband would fall in the category of 'non-commercial quantity' as the total weight of the recovered liquid contraband would be less than 20 grams. It has further been submitted that the petitioner otherwise has a clean record.

3. Learned State counsel has not disputed the fact that the recovered contraband would not qualify to be termed as commercial quantity. It has also been informed that the petitioner otherwise has been behind bars since the last more than 11 months and otherwise has a clean record. It has also been informed that none out of the cited 11 PWs has been examined till date.
4. This Court has considered the rival submissions.
5. Having regard to the fact that it is a case of recovery of non-commercial quantity of contraband and the petitioner otherwise has a clean record and none out of the cited 11 PWs has been examined till date, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

06.12.2022
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(GURVINDER SINGH GILL)
JUDGE

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