

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

**219-B**

**CRM-M-40959-2021 (O&M)**

**Date of Decision: 19.05.2022**

**RAKESH**

... Petitioner

Versus

**STATE OF PUNJAB**

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Harlove Singh Rajput, Advocate and  
Mr. Suvir Sidhu, Advocate  
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

\*\*\*\*

**HARNARESH SINGH GILL, J.(Oral)**

Through this petition, the petitioner seeks regular bail in case bearing FIR No.179 dated 28.07.2021, registered under Section 22 of the NDPS Act and Section 29 of the NDPS Act (added later on), at Police Station City Nawanshahr, District Shaheed Bhagat Singh Nagar, Punjab.

Learned counsel for the petitioner submits that one person, namely, Harkirat Singh @ Kirat, was arrested at the spot and the alleged recovery of 275 injections, was effected from him; that on the statement given by said Harkirat Singh @ Kirat, house of Sonu @ Satish was raided where his brother, namely, Rakesh Kumar @ Monu (who is a licensed chemist) and his sister, namely, Koshal, were found present and the recovery of 95 injections was made and that co-accused, namely, Satish Kumar @ Sonu has already been granted the concession of anticipatory bail, by a Coordinate Bench of this Court, vide order dated

12.08.2021, which stands confirmed vide order dated 08.10.2021. He further submits that the petitioner has been in custody since 29.07.2021.

In support of his contentions, learned counsel for the petitioner relies upon the Rule 66 of the NDPS Act, which states that possession of an individual for his personal medical use, the quantity thereof shall not exceed 100 doses/units at a time.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner has been indicted on the basis of the disclosure statement of the co-accused. He further submits that there are total 17 prosecution witnesses and none of them have been examined, so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 29.07.2021. The petitioner has been indicted on the basis of the disclosure statement of the co-accused. The petitioner is a licensed Chemist. Co-accused has already been enlarged on bail. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of both the sides, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the

learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

19.05.2022

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No