

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

CRM-M-44622 of 2021

DECIDED ON: 28th January, 2022

Dev Raj @ Debi

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sarju Puri, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.16 dated 9.3.2021, under Sections 21 and 22 of the NDPS Act, 1985, registered at Police Station Aur, District SBS Nagar.

The petitioner was apprehended on 9.3.2021. 40 injections of Buprenorphine in 08 strips 2ml each and 40 injection of Avil along with 5 grams of Heroin were recovered.

Learned counsel for the petitioner submits that the petitioner is in custody since 9.3.2021. No recovery is to be made. He submits that injections of Avil are not covered under the NDPS Act. He further relies upon the FSL report to submit that in parcels A-1 and B-1 of Ex. 1, Tramadol Hydrochloride was found. The submission is that recovery of Tramadol is of non-commercial quantity.

Learned State counsel opposes the grant of bail and on instructions from ASI Kuldeep Singh submits that the samples would be sent to other lab to have the second report with regard to the contents of the recovered contraband. He is not in a position to dispute the FSL report annexed with the petition. He submits that the charges are yet to be framed.

Without commenting upon the merits of the case and taking into consideration the contention raised by learned counsel for the petitioner that as per FSL report, the recovery is of non-commercial quantity and considering the fact that investigation is complete, challan stands presented and no further recovery is to be made, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

28th January, 2022

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*