

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

CRM-M-43431-2022

Date of Decision: 23rd September, 2022

Habeebdeen @ Havivdeen

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Gurpreet Kaur, Advocate for the petitioner.
Mr. Arun Luthra, Deputy Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

This second petition is filed seeking regular bail in case of FIR No. 45 dated 22.5.2022 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') registered at P.S. Kathgarh, District SBS Nagar. The earlier petition filed was withdrawn with liberty to file afresh with better particulars.

As per the case set up, on 22.5.2022 during routine checking a private bus coming from Ropar side was stopped. The petitioner was sitting on the back side having a kit in his lap. He was asked to alight the bus. On enquiry, he disclosed his name Havivdeen. The petitioner was given a offer for getting himself searched by a Magistrate, however, he signed a consent memo. On search, 45 injections of Leegestic Buprenorphine IP, each measuring 02 ml and 45 ampules of Pheniramine Maleate Injection IP Avil, each measuring 10 ml were recovered.

Learned counsel for the petitioner submits that it is a case of non-compliance of Section 50 of the Act. The petitioner is in custody since 22.5.2022.

Learned State Counsel opposes the prayer and submits that recovery was made from the bag of the petitioner, in spite of that, the petitioner was given offer of the search from a Gazetted Officer/Magistratae, he gave his consent.

After arguing for some time, learned counsel for the petitioner seeks permission to withdraw the petition.

Dismissed as withdrawn.

(AVNEESH JHINGAN)
JUDGE

23rd September, 2022
anuradha

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No