

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13768-2022 (O&M)
DECIDED ON: 28th MARCH, 2023

NIRBHAI SINGH @ SONI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. SPS Khaira, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-8868-2023

Prayer in the present application is for placing on record the copy of
Medical record of the applicant/petitioner.

Application is allowed, as prayed for.

Medical record of the applicant/petitioner is taken on record subject
to all just exceptions.

CRM-8870-2023

Learned counsel for the applicant/petitioner submits that the present
petition has been rendered infructuous.

Dismissed as having been rendered infructuous.

CRM-M-13768-2022

The jurisdiction of this Court under Section 439 Cr.P.C., has been

invoked for the grant of regular bail to the petitioner in FIR No. 37, dated 25.03.2021, under Section 22(c) of NDPS Act, registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

Learned counsel for the petitioner has contended that petitioner was found in possession of 17 injections of Buprenorphine Hydrochloride and 17 vials of Avil, which have been alleged to be recovered from the conscious possession of the petitioner. He relies upon Rule 66 of the NDPS Rules, 1985 to contend that the petitioner was authorized to keep the said injections for his personal use. He also relied upon the judgment of this Court rendered in the case of **“Sukhwinder Singh @ Vicky Vs. State of Punjab” CRM-M-13312 of 2020, decided on 10.11.2020** wherein, the petitioner was granted the regular bail who was in possession of 70 injections of Buprenorphine Rexogesic 2 ml each.

Learned State counsel has produced the custody certificate along-with reply medical status of the petitioner by way of an affidavit of Mr. Ramandeep Singh Bhangu, PPS, Superintendent New District Jail, Nabha, which are taken on record. Learned State counsel has drawn attention of this Court to Annexure R-1 wherein, it is mentioned that the petitioner is having good health for the last more than six months and is calm, conscious and well oriented to time.

This Court after having gone through the submissions made by learned counsel for the respective parties and also going through the judgment relied upon by learned counsel for the petitioner, which is not applicable to the case in hand as in the said case the petitioner was not involved in any other case of any nature and the State could not controvert the stand taken by the petitioner that intoxicating substance i.e. 100 units of injections was required for his medicinal use and therefore, in the absence of any contravention of the provision

of the NDPS Rules, the petitioner was granted the concession of regular bail whereas in the case in hand a specific report has come on record stating that the petitioner is having good health and does not require any medicine for his personal use.

Be that as it may, since the recovery is commercial in nature and the fact that the petitioner has failed to produced any cogent evidence before this Court with regard to the fact that the medicine so recovered from his possession is for his personal use, this Court does not deem it a fit case for grant of regular bail to the petitioner.

In view of afore-said discussions the present petition stands dismissed being devoid of any merits.

28th MARCH, 2023
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>