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2023 : PHHC : 069687
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15019-2023
Date of Decision: 15.05.2023

KRISHAN KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

* * *

VIVEK PURI, J. (ORAL)

1. Petitioner has prayed for grant of regular bail in case FIR No. 27 dated 11.01.2023, registered under Sections 29, 22(C) of Narcotic Drugs and Psychotropic Substances Act at Police Station Samalkha, District Panipat, Haryana.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that initially the FIR has been registered in pursuance of the recovery of 15 ampules of Buprenorphine injections from the possession of Mandeep, co-accused. The petitioner has been nominated in pursuance of the disclosure statement of the co-accused. The petitioner is running a medical store and 3 ampules of Buprenorphine injections of 2 ml each have been recovered from him. Petitioner was not arrested along with the co-accused and the quantity of contraband recovered from the possession of the petitioner does not fall in the category of commercial quantity. Moreover, the petitioner is not involved in any other case under NDPS Act.
4. Learned State counsel has opposed the bail application on the score that the quantity of contraband recovered from the possession of the co-accused

falls in the category of commercial quantity and challan has been presented but till date no witness has been examined.

5. As per the allegations, 15 ampules of Buprenorphine injections from the possession of Mandeep, co-accused. The petitioner was not apprehended at the spot along with the co-accused. The petitioner has been nominated on the basis of the disclosure statement of the co-accused and 3 ampules of Buprenorphine injections have been recovered from him. The quantity of contraband alleged to have been recovered from the possession of the petitioner falls in the category of less than commercial quantity. As such, stringent provisions of Section 37 of the NDPS Act are not attracted in the instant case qua the petitioner. The petitioner is in custody for a period of 4 months. Though, he is involved in another case under Medical Termination of Pregnancy Act but is stated to be on bail in that case. The said case was registered as back as in the year 2015 and the petitioner is not involved in any other case under NDPS Act. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

15.05.2023

Janki

(VIVEK PURI)
JUDGE

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